



LODI CITY COUNCIL

Carnegie Forum

305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: April 5, 2006

Time: Closed Session 5:30 p.m.
Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston

City Clerk

Telephone: (209) 333-6702

NOTE: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Actual litigation: Government Code §54956.9; three applications; Steve Morrison v. City of Lodi; WCAB case numbers STK164756 - 1/31/1999, STK164757 - 10/24/2000, and STK164758 - 12/4/2000.
- b) Conference with legal counsel – anticipated litigation – significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(B) regarding exposure to workers compensation claim by Donald Hawkinson; WCAB case number STK74262 – 1/25/1989
- c) Actual litigation: Government Code §54956.9(a); one case; People of the State of California; and the City of Lodi, California v. M & P Investments, et al.; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- d) Pursuant to Government Code §54956.9(c); conference with legal counsel – anticipated litigation/initiation of litigation – regarding County of San Joaquin EMS Order to change 911 Fire Dispatch Providers; one potential case

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

C-4 Return to Open Session / Disclosure of Action

A. Call to Order / Roll call

B. Invocation – Pastor Bill Cummins, Bear Creek Community Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards

- a) Presentation of the 2006 Bob Hildreth Library Volunteer of the Year Award (LIB)

D-2 Proclamations

- a) National Boys and Girls Club Week
- b) National Clean Your Files Day (PW)
- c) National Telecommunicators Week (PD)
- d) Public Health Week
- e) Sexual Assault Awareness Month

D-3 Presentations

- a) Update on Centennial activities (CLK)

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$9,174,278.13 (FIN)
- E-2 Approve minutes (CLK)
 - a) February 15, 2006 (Regular Meeting)
- E-3 Approve plans and specifications and authorize advertisement for bids for Playground Improvements at Blakely Park, 1050 South Stockton Street (PR)
- E-4 Approve plans and specifications and authorize advertisement for bids for White Slough Water Pollution Control Facility Drainage Modifications (PW)
- Res. E-5 Adopt resolution approving plans and specifications, authorizing advertisement for bids for the Lockeford Street and Sacramento Street Traffic Signal and Lighting Project, and authorizing the City Manager to execute all necessary agreements to implement the project (PW)
- E-6 Approve specifications and authorize advertisement for bids for 15,000 feet of #1/0 600-volt underground triplex (EUD)
- Res. E-7 Adopt resolution approving request for proposals (RFP), authorizing advertisement of RFP for the Transit Shelters and Amenities Project, and authorizing the City Manager to award contract(s), not to exceed \$225,000 (PW)
- Res. E-8 Adopt resolution awarding contract for White Slough Water Pollution Control Facility Holding Pond No. 1 Rehabilitation, 12751 North Thornton Road, to Delta Oilfield Services, Inc., of Woodland (\$167,500), and appropriating funds (\$175,000) (PW)
- Res. E-9 Adopt resolution accepting improvements for the Harney Lane Canal Crossing Project and appropriating additional funds for applicable reimbursements (\$45,890) (PW)
- Res. E-10 Adopt Resolution of Vacation to abandon the south seven feet of an existing ten foot public utility easement at 1305 East Vine Street (PW)
- Res. E-11 Adopt resolution amending Resolution 2006-14 by changing the 2005-06 Transportation Development Act Claim amendment total claim to \$2,874,887 (PW)
- Res. E-12 Adopt resolution authorizing the City Manager to execute a license agreement with Tony Segale, Segale Fine Arts and Gold Leaf Company, for use of the Centennial logo (CLK)
- Res. E-13 Adopt resolution in support of Senate Bill 1554 regarding local publicly-owned electric utilities: cost responsibility surcharge (exit fees) (EUD)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings – None

NOTE: At the request of Council Member Mounce, the City Manager will request that Item K-1 be rescheduled to the meeting of April 19, 2006.

J. Communications

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments
- a) Appointment to the Lodi Arts Commission (CLK)
 - b) Appointments to Northern California Power Agency and Transmission Agency of Northern California (CLK)
 - c) Post for vacancy on the Lodi Improvement Committee (CLK)
- J-3 Miscellaneous – None

K. Regular Calendar

- Res. K-1 Consider adopting resolution placing the National motto, "In God We Trust," and the State motto, "Eureka," on plaques in the Carnegie Forum lobby (CA)
- Ord. K-2 Introduce ordinance amending Lodi Municipal Code Title 1 – General Provisions – by creating Chapter 1.10, "Administrative Enforcement Provisions" and introduce ordinance repealing in its entirety Chapter 2.34, "Administrative Procedures for Administrative Proceedings," and repealing and reenacting sections of Title 15 – Buildings and Construction – Chapters 15.04 through 15.30 of the codes of the City of Lodi and all other ordinances and parts of ordinances in conflict therewith to add administrative citation and hearing procedures (CD)
- (Introduce)
- K-3 Approve City-Sponsored Centennial Events Planned to Date and Authorize the City Manager Discretion to Consider Future Ancillary Details Associated with Said Events (CLK)
- K-4 Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation (\$139,719.29) (CA)

L. Ordinances – None

NOTE: Ordinance No. 1772 amending electric utility rates will be considered for adoption by the City Council at its April 19, 2006, meeting.

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation of the 2006 Bob Hildreth Library Volunteer of the Year Award to Marjorie Paulsen

MEETING DATE: April 5, 2006

PREPARED BY: Library Services Director

RECOMMENDED ACTION: Juan Villarreal, President of the Library Board of Trustees will present the award to Marjorie Paulsen.

BACKGROUND INFORMATION: At their March 19, 2001 meeting, the Library Board of Trustees established the Bob Hildreth Library Volunteer of the Year Award to be awarded during National Library Week to the library volunteer who contributed significantly to the support of library services for the Lodi Public Library and the residents of Lodi.

The 2006 recipient of this service award is Marjorie Paulsen. Ms. Paulsen has been active as a supporter of the Lodi Public Library in several roles. As a member of the Friends of Lodi Public Library, she served as the organization's President in 1992. For two terms from 1997 to 2003 Ms. Paulsen was appointed by City Council to the Library Board of Trustees. Currently Margie Paulsen is President of the Lodi Public Library Foundation. In this capacity Marjorie has been instrumental in obtaining sponsorships for the Foundation's annual event An Evening at the Library—A Celebration of the Art of Storytelling. She has also initiated two additional fundraising projects including the promotion of the City of Lodi and the Lodi Public Library's centennials through the sale of a special centennial library card featuring a photograph of the dedication of the original Carnegie Library.

FISCAL IMPACT: None

FUNDING AVAILABLE: N/A

Nancy Martinez, Library Services Director

NM/sb

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: National Boys and Girls Club Week

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hitchcock present a proclamation proclaiming the week of April 2 – 7, 2006, as “National Boys and Girls Club Week” in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the week of April 2 – 7, 2006, as “National Boys and Girls Club Week” in the City of Lodi. Richard Jones, Executive Director of the Lodi Boys and Girls Club, will be at the meeting to accept the proclamation.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: National Clean Your Files Day Proclamation

MEETING DATE: April 5, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That Mayor Hitchcock present a proclamation declaring April 21, 2006, as "National Clean Your Files Day". A representative from Central Valley Waste Services will be present to say a few words.

BACKGROUND INFORMATION: Clean Your Files Day is a project of the "Recycling at Work" program supported by the U.S. Conference of Mayors that began in 1995. Clean Your Files Day is a national celebration of recycling. It is a way to promote and encourage more workplace recycling within each City department. It is also a chance for the City to encourage local businesses to increase the amount of paper recycled in their offices. Many businesses do not have an office recycling program in place and this is a great event to initiate a program.

For this year's event, Central Valley Waste Services will be dropping off multiple recycling containers to designated City department locations the morning of April 21 and returning to pick them up later in the afternoon. Employees are encouraged to take some time this day to clean their offices of papers, magazines, and phone books no longer needed. It is also a time to educate City employees about what types of materials can be recycled. Press releases will be done by staff prior to the event to gain media coverage to encourage local City businesses to participate in National Clean Your Files Day.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None needed.

Richard C. Prima, Jr.
Public Works Director

Prepared by Rebecca Areida, Management Analyst

RCP/ra

cc: Thom Sanchez, Central Valley Waste Services
Christine Wied, Central Valley Waste Services

APPROVED: _____

Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: National Telecommunicators' Week

MEETING DATE: April 5, 2006

PREPARED BY: Jerry J. Adams, Chief of Police

RECOMMENDED ACTION: That Mayor Hitchcock present a proclamation proclaiming the period of April 9 – 15, 2006 as National Telecommunicators' Week in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the period of April 9 – 15, 2006 as National Telecommunicators' Week in the City of Lodi. Lieutenant Bryan Noblett will attend the meeting to accept the proclamation, along with representatives from the Lodi Police Dispatchers Association.

The Lodi Police Department has sixteen Dispatcher/Jailers, two Lead Dispatchers and two Dispatch Supervisors. They work twelve hour shifts. Lodi is one of the very few departments in the State of California where the Dispatchers not only staff the Communications Center for business and 911 calls, they also serve as Jailers, booking and processing prisoners while they await arraignment in Court or transfer to other agencies. Several of the Dispatchers work special assignments as Court Liaison, Field Evidence Technicians, Crime Prevention Officer, and members of the Hostage Negotiations Team.

FISCAL IMPACT: None

FUNDING AVAILABLE: N/A

Jerry J. Adams
Chief of Police

JJA:sm
cc: City Attorney

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Public Health Week

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hitchcock present a proclamation proclaiming the week of April 3 – 9, 2006, as “Public Health Week” in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the week of April 3 – 9, 2006, as “Public Health Week” in the City of Lodi. A representative from San Joaquin County Health Education Services will be at the meeting to accept the proclamation.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JLT

APPROVED: _____
Blair King, City Manager



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Sexual Assault Awareness Month

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Mayor Hitchcock present a proclamation proclaiming the month of April 2006 as "Sexual Assault Awareness Month" in the City of Lodi.

BACKGROUND INFORMATION: The Mayor has been requested to present a proclamation proclaiming the month of April 2006 as "Sexual Assault Awareness Month" in the City of Lodi. Paula Grech with the Women's Center of San Joaquin County will be at the meeting to accept the proclamation.

FISCAL IMPACT: N/A

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Update on Centennial Activities

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: None required.

BACKGROUND INFORMATION: City Clerk Blackston will give an update on the Centennial activities being planned for 2006.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Receive Register of Claims Dated March 22, 2006 in the Amount of \$9,174,278.13

MEETING DATE: April 5, 2006

PREPARED BY: Management Analyst

RECOMMENDED ACTION: That the City Council receives the attached Register of Claims. The disclosure of the PCE/TCE expenditures is shown as a separate item on the Register of Claims.

BACKGROUND INFORMATION: Attached is the Register of Claims in the amount of \$9,174,278.13 dated 3/22/2006 which includes PCE/TCE payments of \$146.27 and Payroll in the amount of \$2,229,264.13

FISCAL IMPACT: n/a

FUNDING AVAILABLE: As per attached report.

Ruby R Paiste, Interim Finance Director

RRP/kb

Attachments

APPROVED: _____
Blair King, City Manager

Accounts Payable	Page	-	1
Council Report	Date	- 03/22/06	
As of	Fund	Name	Amount
Thursday			
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03/02/06	00100	General Fund	402,188.05
	00123	Info Systems Replacement Fund	520.43
	00160	Electric Utility Fund	4,767,774.65
	00161	Utility Outlay Reserve Fund	35,781.08
	00164	Public Benefits Fund	44,365.51
	00170	Waste Water Utility Fund	33,996.03
	00171	Waste Wtr Util-Capital Outlay	370.80
	00172	Waste Water Capital Reserve	4,465.94
	00180	Water Utility Fund	6,063.32
	00181	Water Utility-Capital Outlay	1,759.71
	00190	Central Plume	16,712.93
	00210	Library Fund	7,041.02
	00234	Local Law Enforce Block Grant	825.37
	00235	LPD-Public Safety Prog AB 1913	525.14
	00310	Worker's Comp Insurance	12,066.98
	00340	Comm Dev Special Rev Fund	1,318.00
	00444	State Park Grant	2,000.00
	00459	H U D	3,084.00
	00502	L&L Dist Z1-Almond Estates	1,213.33
	00503	L&L Dist Z2-Century Meadows I	1,018.33
	00506	L&L Dist Z5-Legacy I,II,Kirst	1,538.34
	00510	SJ MultiSpecies Habitat Conser	2,223.20
	00550	SJC Facilities Fees-Future Dev	39,730.00
	01250	Dial-a-Ride/Transportation	5,464.24
	01410	Expendable Trust	32,422.37

Sum			5,424,468.77
	00183	Water PCE-TCE	84.00

Sum			84.00

Total for Week			
Sum			5,424,552.77

Accounts Payable	Page	-	1
Council Report	Date	-	03/22/06
As of	Fund	Name	Amount
Thursday			

03/09/06	00100	General Fund	676,535.15
	00160	Electric Utility Fund	37,662.03
	00161	Utility Outlay Reserve Fund	5,468.14
	00164	Public Benefits Fund	19,067.53
	00170	Waste Water Utility Fund	16,964.02
	00180	Water Utility Fund	1,602.27
	00181	Water Utility-Capital Outlay	10,097.02
	00190	Central Plume	31,112.76
	00210	Library Fund	4,404.93
	00235	LPD-Public Safety Prog AB 1913	6,456.58
	00250	LFD-Federal Grants	18,093.38
	00270	Employee Benefits	378,529.51
	00300	General Liabilities	2,085.37
	00325	Measure K Funds	14,468.66
	00329	TDA - Streets	4,800.00
	00340	Comm Dev Special Rev Fund	5,636.86
	00502	L&L Dist Z1-Almond Estates	1,213.33
	00503	L&L Dist Z2-Century Meadows I	1,018.33
	00506	L&L Dist Z5-Legacy I,II,Kirst	1,538.34
	01211	Capital Outlay/General Fund	3,465.28
	01241	LTF-Pedestrian/Bike	7,250.00
	01250	Dial-a-Ride/Transportation	780.82
	01410	Expendable Trust	7,195.85

Sum			1,255,446.16
	00183	Water PCE-TCE	62.27

Sum			62.27

Total for Week			
Sum			1,255,508.43

Accounts Payable	Page	-	1
Council Report	Date	-	03/22/06
As of	Fund	Name	Amount
Thursday			

03/16/06	00100	General Fund	532,143.22
	00160	Electric Utility Fund	116,933.15
	00161	Utility Outlay Reserve Fund	694.06
	00164	Public Benefits Fund	9,017.33
	00170	Waste Water Utility Fund	690,645.82
	00171	Waste Wtr Util-Capital Outlay	8,473.78
	00172	Waste Water Capital Reserve	59,435.22
	00180	Water Utility Fund	46,578.75
	00181	Water Utility-Capital Outlay	200,135.29
	00210	Library Fund	4,845.59
	00234	Local Law Enforce Block Grant	180.86
	00235	LPD-Public Safety Prog AB 1913	55.85
	00270	Employee Benefits	22,484.30
	00310	Worker's Comp Insurance	7,833.33
	00325	Measure K Funds	192,344.56
	00327	IMF(Local) Streets Facilities	8,426.98
	00340	Comm Dev Special Rev Fund	9,262.26
	00410	Bond Interest & Redemption	539,798.85
	00430	1996 Cop Redemption Fund	500.00
	00502	L&L Dist Z1-Almond Estates	250.00
	00503	L&L Dist Z2-Century Meadows I	1,005.00
	00510	SJ MultiSpecies Habitat Conser	111.16
	01217	IMF Parks & Rec Facilities	1,486.18
	01241	LTF-Pedestrian/Bike	1,590.00
	01250	Dial-a-Ride/Transportation	13,830.49
	01410	Expendable Trust	26,154.90

Sum			2,494,216.93

Total for Week			
Sum			2,494,216.93

Date - 03/22/06

Payroll	Pay Per Date	Co	Name	Gross Pay
Regular	02/26/06	00100	General Fund	781,758.03
		00160	Electric Utility Fund	143,878.50
		00164	Public Benefits Fund	5,023.95
		00170	Waste Water Utility Fund	72,394.32
		00180	Water Utility Fund	8,797.66
		00210	Library Fund	31,258.18
		00235	LPD-Public Safety Prog AB 1913	321.62
		00340	Comm Dev Special Rev Fund	41,022.83
		01250	Dial-a-Ride/Transportation	2,852.17

Pay Period Total:				
Sum				1,087,307.26
	03/12/06	00100	General Fund	832,386.39
		00160	Electric Utility Fund	145,600.96
		00164	Public Benefits Fund	5,111.64
		00170	Waste Water Utility Fund	75,619.62
		00180	Water Utility Fund	8,915.76
		00210	Library Fund	31,065.75
		00235	LPD-Public Safety Prog AB 1913	222.66
		00340	Comm Dev Special Rev Fund	40,181.92
		01250	Dial-a-Ride/Transportation	2,852.17

Pay Period Total:				
Sum				1,141,956.87



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CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve Minutes
a) February 15, 2006 (Regular Meeting)

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve the following minutes as prepared:
a) February 15, 2006 (Regular Meeting)

BACKGROUND INFORMATION: Attached is a copy of the subject minutes, marked Exhibit A.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

Attachments

APPROVED: _____
Blair King, City Manager

**LODI CITY COUNCIL
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, FEBRUARY 15, 2006**

C-1 CALL TO ORDER / ROLL CALL

The City Council Closed Session meeting of February 15, 2006, was called to order by Mayor Hitchcock at 6:00 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

C-2 ANNOUNCEMENT OF CLOSED SESSION

a) Actual litigation: Government Code §54956.9(a); one case; *People of the State of California; and the City of Lodi, California v. M & P Investments, et al.*; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM

C-3 ADJOURN TO CLOSED SESSION

At 6:00 p.m., Mayor Hitchcock adjourned the meeting to a Closed Session to discuss the above matters.

The Closed Session adjourned at 6:40 p.m.

NOTE: City Attorney Schwabauer left the meeting at the conclusion of the Closed Session.

C-4 RETURN TO OPEN SESSION / DISCLOSURE OF ACTION

At 7:00 p.m., Mayor Hitchcock reconvened the City Council meeting, and Deputy City Attorney Magdich disclosed that Council adopted a motion to release Raymond Remich from the central plume case and to vacate the trial date. Council authorized that an additional \$25,000 be contributed toward a cost sharing investigation to complete characterization of the northern plume.

NOTE: Mayor Hitchcock announced that Item L-2 would be rescheduled to a future meeting.

A. CALL TO ORDER / ROLL CALL

The Regular City Council meeting of February 15, 2006, was called to order by Mayor Hitchcock at 7:00 p.m.

Present: Council Members – Beckman, Hansen, Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

Also Present: City Manager King, Deputy City Attorney Magdich, and City Clerk Blackston

B. INVOCATION

The invocation was given by Pastor Rod Suess, Vinewood Community Church.

C. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Hitchcock.

D. AWARDS / PROCLAMATIONS / PRESENTATIONS

D-1 Awards – None

D-2 Proclamations – None

- D-3 (a) Joan Morrison with Soroptimist International Sunrise and representatives of Lodi Professional Firefighters presented a check in the amount of \$4,500 to Mayor Hitchcock and Steve Dutra, Parks Superintendent, toward playground equipment at Blakely Park.
- D-3 (b) Mayor Hitchcock presented a Certificate of Recognition to Captain Jim Dodge, former Commander of the Alameda Naval Air Station, in support of the USS Iowa coming to the Port of Stockton as a ceremonial ship. Captain Dodge reported that Lodi is the first of eight local endorsements supporting the application to bring the battleship Iowa to Stockton, which will be presented to the Secretary of the Navy in March. The process is expected to be complete by September. The Port of Stockton has developed a \$33 million package which included 15 acres of land, a 90,000 square foot building, and a half mile of pier space.
- D-3 (c) Rob Lechner, Manager of Customer Services, announced that the Lodi Energy Smart Workshop, focusing on energy conservation, will be held on February 27.

NOTE: Mayor Pro Tempore Johnson presented a book entitled, "*Where the Sidewalk Ends*," to City Manager King. He mentioned that many challenges have taken place during the first year of Mr. King's employment. Mayor Hitchcock noted her appreciation of Mr. King's efforts for the City.

E. CONSENT CALENDAR

In accordance with the report and recommendation of the City Manager, Council, on motion of Council Member Beckman, Mounce second, unanimously approved the following items hereinafter set forth:

- E-1 Claims were approved in the amount of \$3,343,052.17.
- E-2 The minutes of January 4, 2006 (Regular Meeting) and January 31, 2006 (Shirtsleeve Session) were approved as written.
- E-3 Authorized the Treasurer to enter into agreement with Farmers and Merchants Bank of Central California for the issuance of a City credit card for Electric Utility Director, George Morrow.
- E-4 Approved the plans and specifications and authorized advertisement for bids for White Slough Water Pollution Control Facility Holding Pond No. 1 Rehabilitation, 12751 North Thornton Road.
- E-5 Adopted Resolution No. 2006-25 authorizing the City Manager to execute a Contract Change Order with Western Water Constructors, Inc., of Santa Rosa, for purchase and installation of slide gates and associated work in the head gate structure at the White Slough Water Pollution Control Facility and appropriating \$275,000.
- E-6 Adopted Resolution No. 2006-26 awarding the contract for Elevated Water Tank Recoating Project to Redwood Painting Company, of Pittsburg, in the amount of \$58,840.
- E-7 Adopted Resolution No. 2006-27 authorizing the City Manager to enter into service contract with Delta Wireless, of Stockton, under the terms of the city of Stockton contract, for three years for radio system support service ending August 2009 in the amount of \$23,436 per year.
- E-8 Adopted Resolution No. 2006-28 authorizing the City Manager to allocate two Public Benefit Program rebates to the following commercial/industrial customers for demand-side management projects: Ross Stores, Inc. in the amount of \$15,184.80 and Scientific Specialties, Inc. in the amount of \$25,000.

- E-9 Set public hearing for March 1, 2006, to consider and approve community input and proposals for uses of the City's 2006-07 Federal allocation of Community Development Block Grant and HOME Program funds and the reallocation of available funds from previous program years.
 - E-10 Set public hearing for March 15, 2006, to consider adopting update of Lodi's Urban Water Management Plan.
 - E-11 Re-set public hearing for March 15, 2006, to consider resolution approving new rates for solid waste collection.
-

F. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- Jane Lea reported that she and Dawn Squires filed paperwork to circulate a petition for an initiative to repeal Resolution 2005-203. This action is in response to the "inequitable" decision made by Council to increase water rates despite having received nearly 4,000 written protests. Ms. Lea stated that for 18 years the Council and staff have made costly bad settlements and decisions regarding the groundwater contamination and have always ended up taking money from ratepayers, which is especially burdensome to elderly and low-income members of the community.
- Dawn Squires introduced herself as a proponent of the water rate reduction initiative and stated that she was elderly, disabled, and on a fixed income. She expressed concern about the future and complained of continually increasing rates. Ms. Squires felt that the Council should be of more help to citizens.
- Bill Crow suggested that Council meetings begin an hour earlier and items of most interest to the public be placed at the beginning of the agenda. As an alternative, he suggested that special meetings be scheduled to address popular topics. Mr. Crow felt that Council meetings were too long for the public to participate in.
- Barbara Flockhart commented on the following:
 1. The newspaper recently reported that Lodi developer fees are half of what the city of Tracy charges. She asked Council to consider increasing them, as the funds could go toward building needed fire stations and parks.
 2. She read in the newspaper that the City is paying a \$27,000 fine to the County because it did not file the proper documents related to its underground storage tanks.
 3. She had heard that City management staff was going to be combined and the numbers decreased; however, there is now a vacancy being recruited for Community Center Director at a high salary.
 4. She recalled that the City installed sidewalks for some residents on Turner Road and elsewhere in the City and felt that it should be done for all who need them, rather than requiring some to pay for the installation themselves.

G. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- Council Member Beckman requested that Council consider agendaizing a special town hall meeting at Hutchins Street Square to discuss alternative ways to pay for groundwater cleanup. He noted that the water rate reduction initiative proponents had initially requested that such a public forum take place to gather ideas about options. Mr. Beckman commented that the process might save the City a costly ballot initiative and asked that the matter be placed on the next agenda for Council consideration.
- Mayor Pro Tempore Johnson asked Mr. Beckman who would "referee" the proposed town hall meeting and how would a consensus be arrived at. He suggested that the logistics be considered at a Shirtsleeve Session so that parameters are established and well understood before the town hall meeting took place. Mr. Johnson noted that the January 17, 2006, Hutchins Street Square Foundation minutes suggested that the maintenance building be

converted into a Hospice facility. He recommended that the matter be discussed by the Council before the Foundation devoted time and effort in the project.

- Council Member Mounce recalled that at the April 26, 2005, Shirtsleeve Session she had requested that a report be provided to Council on the impact of the Police Partner's assistance with code enforcement programs. In addition, there was to be a recommendation from staff regarding code enforcement priorities.
- Council Member Hansen announced that Jacob Inman and others in the community are organizing a youth concert on February 26 called "Fat Sunday" as a fundraiser for Louisiana hurricane victims. The School Street Bistro restaurant is also participating. A meeting with the S.H. Cowell Foundation took place today. The Foundation is considering providing funding for affordable housing projects, youth programs, and a family resource center to be built adjacent to the Lodi Boys and Girls Club.
- Mayor Hitchcock stated that she attended the Seventh Day Adventist Academy and instructed a fifth grade class in what the City Council's role is in the community. She announced that there is a fundraiser challenge between the cities of Lodi and Galt to see which city can collect the most money in donations to help the Lodi Disaster Coalition with expenses to transport a large amount of furniture to Slidell, Louisiana.

H. COMMENTS BY THE CITY MANAGER ON NON-AGENDA ITEMS

- City Manager King introduced Interim Community Center Director Steve Baker. He commented that by filling the position temporarily it will allow time to evaluate possibilities for department head consolidation for cost savings and improved service delivery. Mr. King stated that his goal is to increase the number of City employees and reduce the number of management staff.

I. PUBLIC HEARINGS

- I-1 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider the Planning Commission's recommendation of approval of the request for a Mitigated Negative Declaration, award 65 medium-density Growth Management Allocation units and a Rezone from R-MD, Residential Multi-Family, to PD(38), Planned Development Number 38, for the "Miller Ranch Development Project," a 65-lot medium-density single-family residential subdivision located on the north side of Harney Lane between Panzani Way and Melby Drive (File Nos. ND-05-01, GM05-00, Z-05-04, Jeffrey Kirst on behalf of Tokay Development, applicant).

Deputy City Attorney Magdich explained that some of the decisions to be made under this item are quasi-judicial and due process requires that Council Members disclose any ex parte communications they have had regarding the project.

Charity Wagner, Contract Planner with the firm LSA Associates, reported that Jeffrey Kirst of Tokay Development submitted an application on behalf of the current owners of the property. The Miller Ranch request includes development of 65 single-family homes on the north side of Harney Lane. The request includes the mitigated negative declaration, allocation of 65 medium-density growth management units, and zone change from Residential Multi-Family to Planned Development Number 38. Of the 65 medium allocation units, 45 are available from the 2005 allocations and 20 would be pulled from the previous year's allocations. The site is currently comprised of two single-family homes and agriculture production of flowers and cherry trees. The Planning Commission reviewed this request on January 25 and adopted three resolutions recommending that the Council approve the Miller Ranch project. Staff added two conditions of approval: 1) *Subsequent staff review of above required plans, elevations, fencing, walls, public lane surfaces, etc., shall require payment of fees at the hourly rate of City staff conducting said review; and 2) The applicant shall reimburse the City for the full cost of outside planning consultant fees payable by the City for work performed for review analysis and preparation of reports for the project.*

Ms. Wagner stated that staff prepared an initial Study for this project and found that a mitigated negative declaration was appropriate. A notice of intention to adopt the mitigated negative declaration was processed. The City received comments from the San Joaquin Air Pollution Control District. The District agreed with the City's finding on the air quality, but recommended additional measures, which staff has incorporated into the conditions of approval for the project. Staff from the Public Works Department also commented on the document. The Initial Study determined that no significant impacts would result with the incorporation of the mitigation measures.

Ms. Wagner reviewed the development plan. In accordance with the City's growth management ordinance, staff evaluated this project against the City's point system, and it scored 267 out of 280 possible points. The proposed Planned Development zone would allow for lot sizes ranging from 2,600 to 5,000 square feet. The street design has public lanes, and the development standards would be very similar to The Villa's project to the east.

In response to Mayor Hitchcock, Community Development Director Hatch explained that the zoning is being changed because it allows greater flexibility with regard to set back standards, lot coverage, etc.

Jeffrey Kirst reported that the project was filed in a timely fashion; however, Community Development lost staff and was unable to process it in the usual time period. He noted that the property is surrounded on three sides by residential development. It is the last property in the southwest area of Lodi that is considered priority one. Originally, the property was single-family and City staff changed the designation to medium-density. Staff said it wanted this property to mimic The Villas development. Mr. Kirst recalled that the Council went through a realignment of all the development fees in the last eight months. Due to the loss of staff, the City hired temporary consultants to fulfill its obligation to process projects and now has determined that the developer should pay the additional cost. He pointed out that the consultant hired to do the work was from the Bay Area and required an extraordinary amount of time to get up to speed on the project, which would not have been necessary if Community Development staff had been available. No advance notice was given to the developer about this extra cost.

Council Member Beckman disclosed that he had spoken with Mr. Kirst prior to the public hearing and they discussed what Mr. Kirst just reported on. Mr. Beckman asked if salary costs for staff to process applications is incorporated into the fee amount that developers pay.

Mr. Hatch reported that Mr. Kirst paid his fees in May. On July 1, Community Development fees were increased and incorporated the average cost for staff to process applications. He stated that fees were "averaged down" to stay in comparison with other cities in the county and do not compensate for the fully burdened cost of staff time.

Mr. King stated that there should be full cost recovery for the actual cost incurred in providing services to applicants. He stated that developers have an option to ask for a development agreement that would allow an opportunity to engage in discussion about how to cap fees in exchange for a quid pro quo. Mr. Kirst can review the invoice for work attributable to his project.

Council Member Mounce felt that any development within Lodi should have a component to promote open space and affordable housing and that single-family units should not be exempt. She asked that Council discuss this matter in the future.

Mr. Hatch replied that within the growth management allocation system there are points awarded for affordable housing.

Hearing Opened to the Public

- Barbara Flockhart commented that the streets in the development are so narrow they will not accommodate parking and felt that it would cause problems for surrounding residents.

Ms. Wagner explained that there is space for parking on the east/west street and along the cul-de-sac. There are 39 guest parking spaces provided on the street.

- Terry Soto stated that Harney Lane was congested already, the school is overcrowded, and this project would worsen the conditions. There are no crosswalks to get to the school, crime is increasing in the area, and cars are speeding through from Harney Lane.

Ms. Wagner replied that individual traffic counts were used with the City's medium-density traffic model. Traffic counts were completed for the project based on the number of trips that the City anticipates per each unit in the designation and the project end results will require dedication of an additional 20 feet for widening of Harney Lane. The environmental document addresses the school impact.

Public Portion of Hearing Closed

MOTION #1 / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, unanimously adopted Resolution No. 2006-29 adopting the Mitigated Negative Declaration as adequate environmental documentation for the Miller Ranch Development Project.

MOTION #2 / VOTE:

The City Council, on motion of Council Member Beckman, Mounce second, unanimously adopted Resolution No. 2006-30 approving the 2006 Growth Management Allocation for the Miller Ranch Subdivision.

MOTION #3 / VOTE:

The City Council, on motion of Council Member Beckman, Mounce second, unanimously introduced Ordinance No. 1771 amending the Official District Map of the City of Lodi and rezoning 349, 401, and 415 East Harney Lane (APN 062-290-38, 062-290-37, and 062-290-14) from RMD, Residential Medium Density, to PD(38), Planned Development Number 38, for the Miller Ranch Development project, and further approving the associated development plan.

RECESS

At 8:41 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 8:49 p.m.

I. PUBLIC HEARINGS (Continued)

- I-2 Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hitchcock called for the public hearing to consider introducing ordinance amending Chapter 13.20, "Electrical Service," by amending Sections 13.20.175 Schedule MCA (Market Cost Adjustment), 13.20.190 Schedule EA (Residential Service), 13.20.200 Schedule ED (Residential SHARE Program Service), 13.20.210 Schedule EM (Mobile Home Park Service), 13.20.220 Schedule MR (Residential Medical Rider), 13.20.230 Schedule EL (Outdoor Dusk-to-Dawn Lighting), 13.20.240 Schedule G1 (General Service – Group 1 Commercial/Industrial), 13.20.250 Schedule G2 (General Service – Group 2 Commercial/Industrial), 13.20.260 Schedule G3 (General Service – Group 3 Commercial/Industrial), 13.20.270 Schedule G4 (General Service – Group 4 Commercial/ Industrial), 13.20.280 Schedule G5 (General Service – Group 5

Commercial/Industrial), and 13.20.310 Schedule I-1 (General Service – Group 5 Commercial/Industrial – Optional) relating to rate schedules; adding Section 13.20.235 Schedule ES (City Facilities Service); and repealing Sections 13.20.202 Schedule EE (Residential All Electric) and 13.20.203 and 13.20.204 Schedule EF (Residential All Electric SHARE Program Service).

Electric Utility Director Morrow recalled that on November 16 the City Council approved new Market Cost Adjustments (MCA). Mr. Morrow reviewed rate schedules (all filed). Staff has incorporated the MCA into the base rates and simplified residential discount levels with percentages. The All Electric Rate tariffs have been eliminated, which will result in a 7% change. The MCA was added to the existing per kilowatt rate for commercial customers. The MCA was added to other energy charges within the rates for industrial customers. He provided Council with a corrected schedule I-1 for General Service Group 5, Commercial/Industrial (filed). The mobile home rate is 8.6 cents, before discounts. The average residential rate is 17.3 cents. He suggested that the mobile home rate be reviewed, as well as the qualifications for discount programs. There is a permanent rider in the G5 and I1 rates for an economic development discount, and he recommended that a change be considered so that the discount is highest when initially given and then phased out over time.

In reply to Council Member Hansen, Mr. Morrow stated that counter parties (from which the City buys energy) consider the City's credit worthiness and factor it into the price. In addition, he confirmed that no further rate increases were expected for the remainder of 2006.

In answer to Mayor Hitchcock, Boris Brokop, consultant from the firm Borismetrics, reported that he uses the same model for Lodi as he does for the electric utilities in Glendale and Palo Alto. He explained that most of the operations and maintenance costs are spread back to the customer based on how they use peak power. Costs are allocated based on the amount of capacity customers impose on the distribution system.

Council Member Mounce asked Deputy City Manager Krueger to inform her when the adjustments and credits have been made to customers with the medical rider rate.

Hearing Opened to the Public

- Terry Knutson reported that 1,944 employees work for six large companies in Lodi and, of that amount, 989 live in Lodi. He stated that these jobs will only be secure when there are stable, predictable utility rates that allow businesses to compete on a national basis. These six businesses paid for a study to quantify the economic impact and value of these jobs to the City. He stated that the Council and administration needs to establish and implement policies, commit people, and generate programs that make high-paying job growth a reality and priority. He commented that other states and communities understand the value of jobs and offer huge incentives to get them.
- Michael Locke, President and Chief Executive Officer of the San Joaquin Partnership, stated that copies of the study prepared by Applied Development Economics were previously distributed to Council, staff, and the press. He reported the following information from the study:
 - \$1.1 billion in annual economic value is generated from six businesses in Lodi;
 - The annual payroll is \$97 million;
 - The average salary is \$50,000;
 - Induced impacts raise the economic value to \$1.3 billion and 3,400 jobs, which represent \$147 million in labor income;

- The total job impact in Lodi including direct, indirect, and induced is 1,578 positions, which represents \$67 million in annual labor income;
- The goods and services the 989 employees (who live in Lodi) buy and use is \$14 million annually, equating to 92 jobs and \$4 million in annual labor income;
- The use of disposable income coming from these wages is \$45 million, which creates 500 local serving jobs and an estimated annual labor income of \$15 million;
- The benefit to the municipality of Lodi is \$18 million, of which \$14 million is from utility payments, \$3.9 million in property taxes, and \$76,000 in business licenses.

Mr. Locke reported that the City has lost 1,200 industrial related jobs and 11 businesses have left Lodi. He stated that the City should not exclusively look at Pacific Gas & Electric as its comparative value in terms of the ability to attract and retain businesses.

Public Portion of Hearing Closed

Mayor Hitchcock recalled that when the electric rates were adjusted the utility was still \$2 million under the necessary revenue to cover expenditures. The City reduced the transfer to the General Fund by \$500,000. She hoped that the City and businesses could work together to solve the financial situation of the utility.

In answer to Council Member Hansen, City Manager King reported that, with the current rates, revenue meets expenses and the City can meet the coverage requirements pursuant to its bond indentures. The "ripple effect" will be in the General Fund if the transfer is decreased.

Deputy City Manager Krueger reported that the Electric Utility fund began the year with \$7 million in the bank. The amount projected to be remaining at the end of the fiscal year is \$3 million. He confirmed that there is enough money in the bank to meet the City's obligations based upon the rate increase that was implemented.

Council Member Beckman stated that if the subsidies built into the electric rates were removed he could support the rate "true up."

MOTION / VOTE:

The City Council, on motion of Mayor Pro Tempore Johnson, Hitchcock second, introduced Ordinance No. 1772 amending Chapter 13.20, "Electrical Service," by amending Sections 13.20.175 Schedule MCA, 13.20.190 Schedule EA, 13.20.200 Schedule ED, 13.20.210 Schedule EM, 13.20.220 Schedule MR, 13.20.230 Schedule EL, 13.20.240 Schedule G1, 13.20.250 Schedule G2, 13.20.260 Schedule G3, 13.20.270 Schedule G4, 13.20.280 Schedule G5, and 13.20.310 Schedule I-1 relating to rate schedules; adding Section 13.20.235 Schedule ES, City Facilities Service, and repealing Sections 13.20.202, 13.20.203, and 13.20.204. The motion carried by the following vote:

Ayes: Council Members – Hansen, Johnson, and Mayor Hitchcock

Noes: Council Members – Beckman and Mounce

Absent: Council Members – None

J. COMMUNICATIONS

J-1 Claims filed against the City of Lodi – None

J-2 The following postings/appointments were made:

- a) The City Council, on motion of Council Member Mounce, Beckman second, unanimously made the following appointment:

Lodi Planning Commission

Wendel Kiser Term to expire June 30, 2008

J-3 Miscellaneous

- a) City Clerk Blackston presented the cumulative Monthly Protocol Account Report through January 31, 2006.

K. REGULAR CALENDAR

- K-1 "Adopt resolution approving amendment to San Joaquin Council of Governments Joint Powers Agreement to add two additional voting members to the Board, one each from the San Joaquin County Board of Supervisors and the city of Stockton"

Public Works Director Prima explained that this request originated because the city of Stockton felt it was underrepresented on the San Joaquin Council of Governments (SJCOG) Board. A compromise was reached, in which Stockton was proposed to receive one more vote and, to balance that, the County was given one more seat on SJCOG.

Andrew Chesley, Executive Director of SJCOG, reported that six jurisdictions have considered this request and all but Ripon voted to approve it. In total, six of 34 City Council Members have voted no. He commented that the SJCOG Board had been considering this matter for over two years before a compromise was reached.

PUBLIC COMMENTS:

- Ron Addington, President of the Business Council; Michael Locke, President and Chief Executive Officer of the San Joaquin Partnership; and Phil Pennino asked for Council's unanimous support of this request.

Council Member Hansen stated that he was in favor of the request from a regional perspective and did not believe it would create an unfair advantage.

MOTION:

Council Member Hansen made a motion, Beckman second, to adopt a resolution approving amendment to San Joaquin Council of Governments Joint Powers Agreement to add two additional voting members to the Board, one each from the San Joaquin County Board of Supervisors and the city of Stockton

DISCUSSION:

Council Member Beckman pointed out that when the County is making improvements just outside the city limits of Lodi it benefits the City's residents. Stockton and Lodi are the only two cities in the north half of the County. For this reason, he saw this proposal as beneficial to Lodi.

Mayor Hitchcock was opposed to the proposal as she felt the current makeup of the SJCOG Board has worked well and saw no reason to change it.

Mayor Pro Tempore Johnson stated that he would vote against the proposal, though he would have supported giving one more seat on the SJCOG Board to the County.

VOTE:

The above motion **failed** by the following vote:

Ayes: Council Members – Beckman and Hansen

Noes: Council Members – Johnson, Mounce, and Mayor Hitchcock

Absent: Council Members – None

- K-2 "Reconsideration of the January 4, 2006, Council action taken regarding the future direction of the Community Separator/Greenbelt Task Force"

MOTION:

Mayor Pro Tempore Johnson made a motion, Beckman second, to reconsider the January 4, 2006, Council action regarding the future direction of the Community Separator/Greenbelt Task Force.

DISCUSSION:

Mayor Hitchcock explained that she would vote no because it is important that the greenbelt matter move forward.

Mayor Pro Tempore Johnson recalled that the action on January 4 included spending \$50,000 to obtain additional economic information. At a recent Greenbelt Task Force meeting, property owners expressed no confidence in the plan the Task Force created and did not submit an alternative. He was opposed to spending any more money on the matter unless there was support and cooperation by others to proceed.

VOTE:

The motion **failed** by the following vote:

Ayes: Council Members – Beckman and Johnson

Noes: Council Members – Hansen, Mounce, and Mayor Hitchcock

Absent: Council Members – None

- K-3 “Adopt resolution adopting and establishing rules for the conduct of meetings, proceedings and business, thereby rescinding Resolution 2004-282”

Deputy City Attorney Magdich explained that legislative decisions are those with broad general applications such as ordinances, zone changes, and general plan amendments. Quasi-judicial decisions are those with specific applications to constitutionally protected property rights, such as the approval of tentative maps, variances, conditional use permits, civil service grievances, California Environmental Quality Act certification, and appeals of administrative action. When acting in a quasi-judicial capacity, one must act in accordance with due process as required under the Fourteenth Amendment. One requirement of due process is that an applicant must be given a meaningful opportunity to be heard. The proposal before Council would require that Council Members who have received ex parte communications, i.e. those which are outside the hearing, disclose those contacts and their context, the facts or information that would be used in making a decision, and give the interested parties full and fair opportunity to relate or explain the information.

MOTION / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously adopted Resolution No. 2006-31 adopting and establishing rules for the conduct of meetings, proceedings and business, thereby rescinding Resolution 2004-282.

- K-4 “Approve revised 2005-06 budget document pages” was ***pulled from the agenda.***

- K-5 “Introduce the following ordinances: a) Amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, ‘General Regulations and Exceptions,’ by repealing and re-enacting in its entirety Section 17.57.180 relating to refuse container storage and collection areas and b) Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, ‘Solid Waste,’ by repealing and reenacting Section 13.16.050 (A) relating to placement of garbage containers”

Deputy City Attorney Magdich explained that this issue has come forward because some constituents have had problems with uncooperative neighbors with regard to placement of garbage containers. The proposed ordinance amendments would require that garbage

containers be placed along the frontage of customer's property. Violations would be an infraction. There are exceptions made in situations where a property owner cannot place the container in front of their property.

PUBLIC COMMENTS:

- Clare Lima stated that private citizens need guidelines in which to operate and maintain a safe appearance in front of their homes and keep sidewalks free of obstacles. This proposal will provide guidelines which can then be enforced.
- Eileen St. Yves stated that many apartments on the eastside do not have a place to put dumpsters. She asked if they were exempt from being visible from the public right of way, to which Ms. Magdich replied in the affirmative.

Joseph Wood, Community Improvement Manager, noted that dumpsters should be rolled back into their proper location. He acknowledged that if properties were not designed for a large dumpster, often times it is placed in odd locations and rolled into the street.

MOTION #1 / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously introduced Ordinance No. 1773 amending Lodi Municipal Code Title 17 – Zoning – Chapter 17.57, "General Regulations and Exceptions," by repealing and reenacting in its entirety §17.57.180, "Refuse Container Storage and Collection Areas."

MOTION #2 / VOTE:

The City Council, on motion of Council Member Mounce, Beckman second, unanimously introduced Ordinance No. 1774 amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.16, "Solid Waste," by repealing and reenacting Section 13.16.050 (A) relating to placement of garbage containers.

K-6 "Review Community Development Block Grant and HOME Program funding that has been allocated to LOEL Foundation"

Joseph Wood, Community Improvement Manager, explained that over the past couple of years the Community Development Department has experienced difficulties and delays in accomplishing some of its responsibilities in a timely manner due to the loss of staff. He reviewed Community Development Block Grant and HOME Program funding that has been allocated to the LOEL Foundation, as outlined in the staff report (filed) and reported on the current status of each.

Council Member Hansen reported that he spoke with a LOEL Foundation board member yesterday who was pleased that processes are now proceeding.

In reply to Mayor Pro Tempore Johnson, Mr. Wood acknowledged that it can be labor intensive to ensure CDBG and HOME program fund recipients follow the appropriate procedures in seeking bids, selecting the contractor, and making sure they understand the prevailing wage requirement, etc.

City Manager King suggested that, as an entitlement City, Lodi could remove itself from the contract with the County of San Joaquin and then have more money for administrative work related to the CDBG and HOME programs. He mentioned that some CDBG recipients have been paid and subsequently the City was notified that there are some disallowed costs. Consequently, staff's approach to ensure there is compliance with regulations has changed and it is causing additional delays.

Council Member Hansen spoke in favor of Mr. King's suggestion.

Council Member Mounce stated that Lodi was understaffed in the Code Enforcement Division of Community Development in comparison to surrounding cities.

MOTION / VOTE:

There was no Council action taken on this matter.

VOTE TO CONTINUE WITH THE REMAINDER OF THE MEETING

The City Council, on motion of Mayor Hitchcock, Johnson second, voted to continue with the remainder of the meeting, with the exception of Items K-4 and L-2, following the 11:00 p.m. hour. The motion carried by the following vote:

Ayes: Council Members – Hansen, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – Beckman

Absent: Council Members – None

RECESS

At 11:05 p.m., Mayor Hitchcock called for a recess, and the City Council meeting reconvened at 11:20 p.m.

K. REGULAR CALENDAR (Continued)

K-7 “Measure K Renewal Expenditure Plan discussion and direction”

Public Works Director Prima explained that there are four categories of funding in the Measure K renewal expenditure plan:

- 1) Local Street Repair and Roadway Safety – 35% allocation;
- 2) Congestion Relief – 32.5% allocation;
- 3) Rail/Bus/Bicycles – 30% allocation; and
- 4) Railroad Crossing Safety 2.5% allocation.

Andrew Chesley, Executive Director of the San Joaquin Council of Governments, reported that in the earliest versions of the Measure K half cent sales tax renewal expenditure plan the segment from Lower Sacramento Road west to Interstate 5 was a priority for funding. During public discussion, all comments received were related to the segment of Highway 12 west of Interstate 5. Existing conditions on the segment of Route 12 west of Interstate 5 is producing the poorest level of service. He acknowledged that, in the future, both segments will have major capacity problems. For the past seven years, the County of San Joaquin has consistently identified the Highway 12 segment west of Interstate 5 as its highest priority on the state highway system. In April, the SJCOG Board will be asked to adopt a final Measure K renewal expenditure plan that would then go out to the cities and County for their consent and adoption. Mr. Chesley stated that he believed there would be enough money to deliver the projects that are promised to the voters in the expenditure plan.

In response to Mayor Pro Tempore Johnson, Mr. Prima stated that Lodi has received what it has asked for; however, it takes a lot of work with the Transit District who often initially objects to what the City wants.

Council Member Hansen felt that citizens of Lodi would more favorably support the Measure K renewal plan if an underpass on Lodi Avenue was included. He recommended that Lodi's number one priority be the Highway 12 segment from Lower Sacramento Road west to Interstate 5.

In reference to the list of projects under the Congestion Relief category, Mayor Hitchcock felt that the Highway 99/Kettleman Lane interchange was very important. The Highway 99/Harney Lane interchange is growth inducing. Widening Ham Lane from two to four lanes between Lodi Avenue and Elm Street would affect many homes. She recommended that a Shirtsleeve Session be held to further discuss individual projects. She felt it was important to not "oversubscribe" projects in the Measure K renewal plan.

Council concurred that the Highway 12 segment from Lower Sacramento Road west to Interstate 5 be a priority.

MOTION / VOTE:

There was no Council action taken on this matter.

- K-8 "Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel (\$142,249.57) and approve Special Allocation covering general litigation matter expenses (\$3,176.04)"

MOTION / VOTE:

The City Council, on motion of Council Member Beckman, Mounce second, unanimously approved the expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation and various other cases being handled by outside counsel in the amount of \$142,249.57 and approved the Special Allocation covering general litigation matter expenses in the amount of \$3,176.04, as detailed below:

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
8001	92662	12/31/05	General Advice/Environmental Matters	\$ 325.00
8002	92660	12/31/05	People v M&P Investments	5,927.79
8003	92663	12/31/05	Hartford Insurance Coverage Litigation	81,925.39
				(1,875.00)
8008	92664	12/31/05	Envision Law Group	29,751.82
				(630.00)
				<u>\$115,425.00</u>

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
		12/30/05	Peter Krasnoff, Expert	\$ 14,480.00
		Nov-Dec 05	Keith O'Brien, Hydrogeologist	<u>7,505.00</u>
				<u>\$ 21,985.00</u>

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount	Distribution
					<u>100351.7323</u>
					<u>183453.7323</u>
11233.001	223611	01/25/06	General advice	\$ 140.00	\$ 140.00
11233.016	223611	01/25/06	Hartford Litigation	38.00	38.00
11233.026	223611	01/25/06	Lodi First v. City of Lodi	1,915.70	1,915.70
11233.027	223611	01/25/06	Citizens for Open Govt .v City of Lodi	<u>1,120.34</u>	<u>1,120.34</u>
				<u>\$3,214.04</u>	<u>\$3,176.04</u>
					<u>\$ 38.00</u>

JAMS

Invoice No.	Date	Description	Total Amount	Distribution 183453.7323
00001093881-110	2005	Mediation Services (M&P)	\$1,112.75	\$1,112.75
00001075797-110	2005	Mediation Services (M&P)	421.36	421.36
00001069804-110	2005	Credit Memo	(405.44)	(405.44)
TOTAL			\$1,128.67	\$1,128.67

JAMS

Invoice No.	Date	Description	Total Amount	Distribution 183453.7323
00001107903-110	2006	Mediation Services (M&P)	\$ 496.86	\$ 496.86

L. ORDINANCES

- L-1 Following reading of the title of Ordinance No. 1769 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code, Title 12, Chapter 12.12 – Parks – by Adding Article VI, 'Waterfowl and Migratory Birds,'" having been introduced at a regular meeting of the Lodi City Council held January 18, 2006, Council Member Mounce made a motion, Beckman second, to waive reading of the ordinance in full and adopt and order it to print.

DISCUSSION:

Council Member Hansen explained that he would vote against the ordinance because he was not convinced it would solve the problem.

VOTE:

The above motion carried by the following vote:

Ayes: Council Members – Beckman, Johnson, Mounce, and Mayor Hitchcock

Noes: Council Members – Hansen

Absent: Council Members – None

Abstain: Council Members – None

- L-2 Ordinance No. 1770 entitled, "An Ordinance of the City Council of the City of Lodi Amending Lodi Municipal Code Title 12 – Streets, Sidewalks, and Public Places – by Adding Chapter 12.03, 'Sidewalks,'" was ***pulled from the agenda***.

M. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 12:02 a.m., Thursday, February 16, 2006, in memory of 1) Harvey Kessel, who gave 34 years of dedicated service to F&M Bank and was an active community member, who passed away on February 6; and 2) Nancy Hodson Brown, who passed away on February 3, and Jack Hodson, who passed away on February 7, and were the parents of City employees, Jacqueline Taylor and Jeanie Biskup.

ATTEST:

Susan J. Blackston
City Clerk



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve plans and specifications and authorize advertisement for bids for playground improvements at Blakely Park, 1050 S. Stockton Street

MEETING DATE: April 5, 2006

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council approves plans and specifications and authorize advertisement for bids for playground improvements at Blakely Park, 1050 S. Stockton Street.

BACKGROUND INFORMATION: The project was part of the Parks and Recreation Departments 2004 Community Development Block Grant program request. The project was presented and approved by City Council at their regular meeting on March 3, 2004.

The Blakely Park playground improvements consist of the removal and disposal of the existing playground equipment, fibar surfacing material, concrete walkways, picnic area, and concrete curbing. The new playground location will be located closer towards Poplar Street to accommodate the proposed Community Partnership Building which is currently in a conceptual phase. The playground improvement work includes the installation of new concrete walkways, new handicap accessible playground equipment, new seamless poured-in-place safety rubber material, retro-fit work to the existing irrigation system, new park benches and trash receptacles and new trees. Plans and specifications are on file in the Parks and Recreation office.

FISCAL IMPACT: There is no direct impact to the Parks and Recreation Department budget for the Blakely Park playground improvements. Community Development Block Grant funds and the Lodi Soroptimist donations will be supporting the improvements of this project in its entirety.

When CDBG funds were first reallocated to cover the expanded scope of this project, it was thought that the removal/replacement of the restroom facilities was to be part of the project. After the bid process has been completed, any surplus funding allocated to this project will be reallocated to other projects for use.

APPROVED: _____
Blair King, City Manager

FUNDING:	Engineer's Estimate: (includes 10% contingency)	\$211,166.45
	04-01 "Eastside Park Playground Projects" – CDBG Funds	\$266,200.00
	Lodi Soroptimist Donations:	\$8,750.00

Ruby Paiste, Interim Finance Director

Tony C. Goehring
Parks and Recreation Director

Joseph Wood
Community Improvement Manager

Prepared by Steve Virrey, Parks Project Coordinator
TCG/SV:tl

cc: City Attorney
Community Improvement Manager
Park Superintendent
Parks & Recreation Management Analyst
Purchasing Officer
Sr. Civil Engineer Fujitani



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve Plans and Specifications and Authorize Advertisement for Bids for White Slough Water Pollution Control Facility Drainage Modifications

MEETING DATE: April 5, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council approve plans and specifications for the White Slough Water Pollution Control Facility (WSWPCF) Drainage Modifications project and authorize advertising for bids.

BACKGROUND INFORMATION: This project is a component of the WSWPCF Irrigation System Expansion project and other on-going modifications and upgrades to the treatment plant facility. The work consists of installing approximately 230 linear feet of new 36-inch reinforced concrete pipe, installing three new manholes, cleaning approximately 265 linear feet of existing 36-inch reinforced concrete pipe that crosses under Interstate 5, and installing one new manually-operated isolation valve.

Storm drain run-off and irrigation tail water generated from neighboring agricultural areas located easterly of the WSWPCF flow across the City's property. These off-site flows currently mix with storm drain run-off and irrigation tail water generated from the City's on-site effluent disposal fields (on-site flows) are then routed to the treatment plant's storage ponds for treatment. Conveying off-site flows in pipes across the City's property frees up storage pond volume and, therefore, treatment capacity.

Staff recommends the City Council approve plans and specifications for the WSWPCF Drainage Modifications project and authorize advertising for bids.

The plans and specifications are on file in the Public Works Department.

FISCAL IMPACT: This project will defer significant costs associated with generating additional treatment plant pond storage. Staff anticipates a slight increase in long-term maintenance costs and a decrease in long-term energy costs.

FUNDING AVAILABLE: The money for this project will be coming from the Wastewater Fund (2004 COP). A request for appropriation of funds will be made at contract award.

Project Estimate: \$100,000
 Budgeted: 05/06 fiscal year (Page 167)
 Planned Bid Opening Date: May 15, 2006

 Richard C. Prima, Jr.
 Public Works Director

Prepared by Kevin Gaither, Senior Engineering Technician
 RCP/KG/pmf
 cc: Purchasing Officer
 Del Kerlin, Assistant Wastewater Superintendent
 Kevin Gaither, Senior Engineering Technician

F. Wally Sandelin, City Engineer
 Frank, Beeler, Assistant W/WW Superintendent

APPROVED: _____
 Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Plans and Specifications, Authorizing Advertisement for Bids for Lockeford Street and Sacramento Street Traffic Signal and Lighting Project, and Authorizing the City Manager to Execute All Necessary Agreements to Implement the Project

MEETING DATE: April 5, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving the plans and specifications, authorizing advertisement for bids for the Lockeford Street and Sacramento Street Traffic Signal and Lighting project, and authorizing the City Manager to execute all necessary agreements to implement the project.

BACKGROUND INFORMATION: The project includes installing a traffic signal, street lighting, wheelchair ramps, and emergency and railroad preemption at the Lockeford Street and Sacramento Street intersection. Signalization for this intersection was a mitigation measure identified for the Lodi Station Parking Structure in the February 2001 Environmental Assessment. The intersection was also included in the 2000 Signal Priority Study approved by Council. This intersection is one of the fourteen intersections on the Signal Priority Study List.

In 2001, City Council authorized the City Manager to execute a professional services agreement with Y & C Transportation Consultants, Inc., to design this project. In 2002, the plans and specifications for the traffic signal design and an agreement between the City and Union Pacific Railroad Company (UPRR) were ready for Council's approval; however, funding was not available at that time. The agreement between the City and UPRR includes the City installing a railroad preempted signal and UPRR installing preemption circuits for the signal. In 2005, when funding became available, we requested that UPRR update the agreement and cost estimates for this project. In March 2006, we received the revised UPRR agreement.

City staff recommends installing the countdown pedestrian signals at this location and future signals to help alleviate pedestrian concerns on how much time remains to cross the roadway. We have included countdown pedestrian signals in the design of the project. The countdown pedestrian signals display the number of seconds remaining in the pedestrian change interval. In 2004, Caltrans adopted the Federal Highway Administration's (FHWA) Manual of Uniform Traffic Control Devices (MUTCD) 2003 Edition which includes the countdown pedestrian signals. Currently, we use educational pedestrian push button signs to briefly describe the walk, flashing hand and steady hand modes.

The plans and specifications are on file in the Public Works Department.

APPROVED: _____
Blair King, City Manager

Adopt Resolution Approving Plans and Specifications, Authorizing Advertisement for Bids for
Lockeford Street and Sacramento Street Traffic Signal and Lighting Project, and Authorizing the
City Manager to Execute All Necessary Agreements to Implement the Project

April 5, 2006

Page 2

FISCAL IMPACT: Preventative maintenance and repair service costs are estimated to be approximately \$550 per year and will be funded by Transportation Development Act funds.

FUNDING AVAILABLE: The project estimate is \$250,000 and includes project construction, contingency costs, and railroad signal interconnection. The funding source is Transportation Development Act funds.

Planned Bid Opening Date: May 3, 2006

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Paula J. Fernandez, Senior Traffic Engineer

RCP/PJF/pmf

cc: City Engineer
Street Superintendent
Purchasing Officer
Police Chief
Senior Traffic Engineer
Affected Property Owners

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING PLANS AND SPECIFICATIONS,
AUTHORIZING ADVERTISEMENT FOR BIDS FOR THE LOCKEFORD STREET AND
SACRAMENTO STREET SIGNAL AND LIGHTING PROJECT, AND FURTHER AUTHORIZING
THE CITY MANAGER TO EXECUTE ALL NECESSARY RAILROAD AGREEMENTS
RELATING TO THIS PROJECT

=====

WHEREAS, this project includes installing a traffic signal, street lighting, wheelchair ramps, and emergency and railroad preemption at the Lockeford Street and Sacramento Street intersection; and

WHEREAS, signalization for this intersection was a mitigation measure identified for the Lodi Station Parking Structure in the February 2001 Environmental Assessment; and

WHEREAS, this intersection was also included in the 2000 Signal Priority Study approved by Council, and was one of the fourteen intersections on the Signal Priority Study List; and

WHEREAS, in 2001 the City Council authorized the City Manager to execute a professional services agreement with Y & C Transportation Consultants, Inc., to design this project; and

WHEREAS, in 2002, the plans and specifications for the traffic signal design and an agreement between the City and Union Pacific Railroad Company (UPRR) were ready for Council's approval, but funding was not available at that time; and

WHEREAS, the agreement between the City and UPRR includes the City installing a railroad preempted signal and UPRR installing preemption circuits for the signal. In 2005 staff requested that UPRR update the agreement and cost estimates for this project, which was received in March 2006; and

WHEREAS, staff recommends installing the countdown pedestrian signals at this location and future signals to help alleviate pedestrian concerns on how much time remains to cross the roadway. We have included countdown pedestrian signals in the design of the project. The countdown pedestrian signals display the number of seconds remaining in the pedestrian change interval.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the plans and specifications and authorizes advertisement for bids for the Lockeford Street and Sacramento Street Signal and Lighting Project; and

BE IT FURTHER RESOLVED that the Lodi City Council hereby authorizes the City Manager to execute all necessary Railroad Agreements relating to this project.

Dated: April 5, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve specifications and authorize advertisement for bids for 15,000 feet of #1/0 600-volt underground triplex (EUD)

MEETING DATE: April 5, 2006

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council approve the specifications and authorize advertisement for bids for 15,000 feet of #1/0 underground triplex conductor for the Electric Utility Department.

BACKGROUND INFORMATION: This 600-volt triplex is being sourced in preparation for projected requirements in late 2006 and early 2007.

600-volt underground triplex is used for new residential and commercial customers, providing the electrical service from the Electric Utility Department's distribution transformers to the customers' meters. Manufacturing leadtimes for low-voltage conductor is approaching 26 weeks, with demand expected to increase during the summer. Soliciting bids now, and ordering in May, will place us in the manufacturing queue to receive the conductor as our current inventory of cable nears depletion.

FISCAL IMPACT Initial outlay: About \$22,000, to be recovered through future power sales.

FUNDING: Electric Utility Department 2005-2006 Financial Plan and Budget,
System Maintenance - Underground - Business Unit 161651, Page 63
Estimated Cost: \$22,000

BID OPENING: April 19, 2006

George Morrow, Electric Utility Director

Attachment: Specifications
Prepared by Joel Harris, Purchasing Officer

cc: EUD Electrical Engineer

APPROVED: _____
Blair King, City Manager

**City of Lodi
Equipment Specifications**

600-VOLT XLPE TRIPLEX CABLE

1.0 GENERAL

Cable furnished under these specifications shall be limited to cross-linked polyethylene insulated cable rated 600 volts and suitable for installation in ducts or for direct burial in earth, in wet or dry locations, with normal conductor temperatures up to 90 degrees C. Cables furnished shall meet the requirements of the applicable NEMA, ICEA, AEIC, and ASTM standards, latest edition thereof, unless otherwise noted in this specification.

2.0 CONDUCTOR

The conductor shall be aluminum alloy, EC Grade, ½ to ¾ hard, Class B stranding.

3.0 INSULATION

Phase conductor insulation shall be single-pass, black, cross-linked polyethylene. The neutral conductor shall have yellow XLPE insulation or black XLPE insulation with yellow extruded stripes.

4.0 ASSEMBLY

The assembled cable shall consist of phase and neutral conductors twisted together with a lay not less than 50 nor more than 60 times the outside diameter of one of the phase conductors. All cable ends shall be sealed to prevent the entrance of moisture.

5.0 IDENTIFICATION

Each conductor shall have a permanent marking showing the manufacturer's name, voltage rating, conductor size and type of insulation. Additionally, one leg of the triplex shall be marked with sequential footage marks at least every two feet.

6.0 TESTING AND GUARANTEE

Testing of cable shall be performed according to procedures set forth by the ICEA, AEIC and ASTM. Certified copies of Pass/Fail test results shall be supplied to the City at the time of shipment. Any cable found defective either upon inspection, testing or installation will be returned at the manufacturer's expense.

7.0 SPECIFIC REQUIREMENTS

Any conditional bids such as "Subject to Availability in Stock" will be rejected as non-responsive.

8.0 SHIPPING

Cable ends shall be adequately sealed with a water-seal type material and plastic end caps secured to prevent the penetration of moisture. There shall be no water in the stranded conductor of the cable when reel is shipped. All shipments shall be prepaid, FOB delivered to the City of Lodi, Lodi, CA. Reels shall be shipped upright.

9.0 REELS

9.1 MAKEUP

The specified conductor shall be supplied on NEMA standard reels and in accordance with Table 1 as shown below.

TABLE 1

CONDUCTOR SIZE PHASE (NEUTRAL)	CODE WORD	MATERIAL	NEMA STANDARD REEL CODE No.
#2 (#2) AWG	Ramapo / YES	Aluminum	3624
#1/0 (#1/0) AWG	Bergen / YES	Aluminum	3624
350kcmil (#4/0)	Wesleyan / YES	Aluminum	5432 or 7236

9.2 PACKAGING

Each reel shall have adequate protective covering across the flanges, such covering to consist of wood members from flange to flange covering the entire circumference of the reel (lagging). The lagging shall be nailed to the flange perimeters and shall be further secured with at least two steel bands around the reel. Each end of the cable shall be firmly secured to the reel.

9.3 MARKING

Each reel shall be marked with a durable label securely attached to a flange of the reel and plainly marked stating the destination, the purchaser's order number, the shipping length of cable on reel, type and size of conductors, insulation type and thickness, voltage rating and manufacturer's identification number, and tare weight of the reel.



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Approving Request for Proposals (RFP), Authorizing Advertisement of RFP for the Transit Shelters and Amenities Project, and Authorizing the City Manager to Award Contract(s), Not to Exceed \$225,000

MEETING DATE: April 5, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving Request for Proposals (RFP), authorizing advertisement of RFP for the Transit Shelters and Amenities Project, and authorizing the City Manager to award contract(s), not to exceed \$225,000.

BACKGROUND INFORMATION: The Public Works Department's Transit Division operates the GrapeLine bus service. GrapeLine offers Fixed Route service within the City of Lodi and General Public Dial-A-Ride within the City and Woodbridge, as well as limited stops in Acampo and south of Lodi at the mobile home park south of Harney Lane.

As part of the on-going operations, transit shelters have been placed to offer protection from the elements and a place to rest and wait for the next transit bus. Transit plans to purchase and install eleven shelters, as well as additional benches within the City limits. Transit shelters are proposed to be placed at:

- Rancho San Miguel Market
- The corner of Lockeford and Calaveras Streets (at the bus stop across from the Grape Festival driveway)
- Inside the Vintner's Square Shopping Center (adjacent to Lowe's garden department)
- Along Lower Sacramento Road, across from Safeway
- In front of the Meritage Apartments (on Turner Road at Lower Sacramento Road)
- Near the Lodi Adult School on Pine Street
- Hutchins Street Square
- Lodi Middle School
- Along Central Avenue, between Lodi Avenue and Tokay Street
- Along Elm Street at Lakewood Mall
- On Century Boulevard near Century Park

The sites listed above represent a good cross section of the transit routes and Dial-A-Ride destinations within the City of Lodi. A site plan has been included as Attachment 1.

Staff has reviewed several potential shelter styles for use throughout town, and the following design recommendations were presented to the Site Plan and Architectural Review Committee (SPARC) for comment at the March 20, 2006 meeting. After reviewing each of the potential shelter designs, staff is

APPROVED: _____
Blair King, City Manager

Adopt Resolution Approving Request for Proposals (RFP), Authorizing Advertisement of RFP's for the Transit Shelters and Amenities Project, and Authorizing the City Manager to Award a Contract(s), Not to Exceed \$225,000

April 5, 2006

Page 2

recommending the selection of two designs to be bid (Attachment 2). The first is a shelter with perforated screen walls and a standing seam roof. The second has perforated screen walls with a domed roof and paned window treatments. The attached materials illustrate a sample shelter similar to those being requested. In addition, several of the shelters will include solar lighting panels to allow for illumination of the shelter at night. Staff is also recommending a slatted seat bench (with center armrest) be included in each shelter (Attachment 3). Additionally, a limited number of shelters will have trash cans placed at them. The trash can design will be identical to those currently utilized throughout the City by Transit (green metal can with locking lid). SPARC recommended approval of both shelters with the City purchasing Shelter Design 1. Committee members recommended approval of Shelter Design 2 and that the design be an option made available to developers for inclusion in their projects.

FISCAL IMPACT: The cost of shelters and amenities has been included in the budget for the Transit system. Failure to award the agreement could result in loss of the Community Development Block Grant funding.

FUNDING AVAILABLE: The shelters and amenities will be utilizing:

Transportation Development Act	\$ 35,000
Federal Transit Administration (5307)	\$125,000
CDBG Funds	\$ 65,000

Ruby Paiste, Interim Finance Director

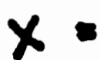
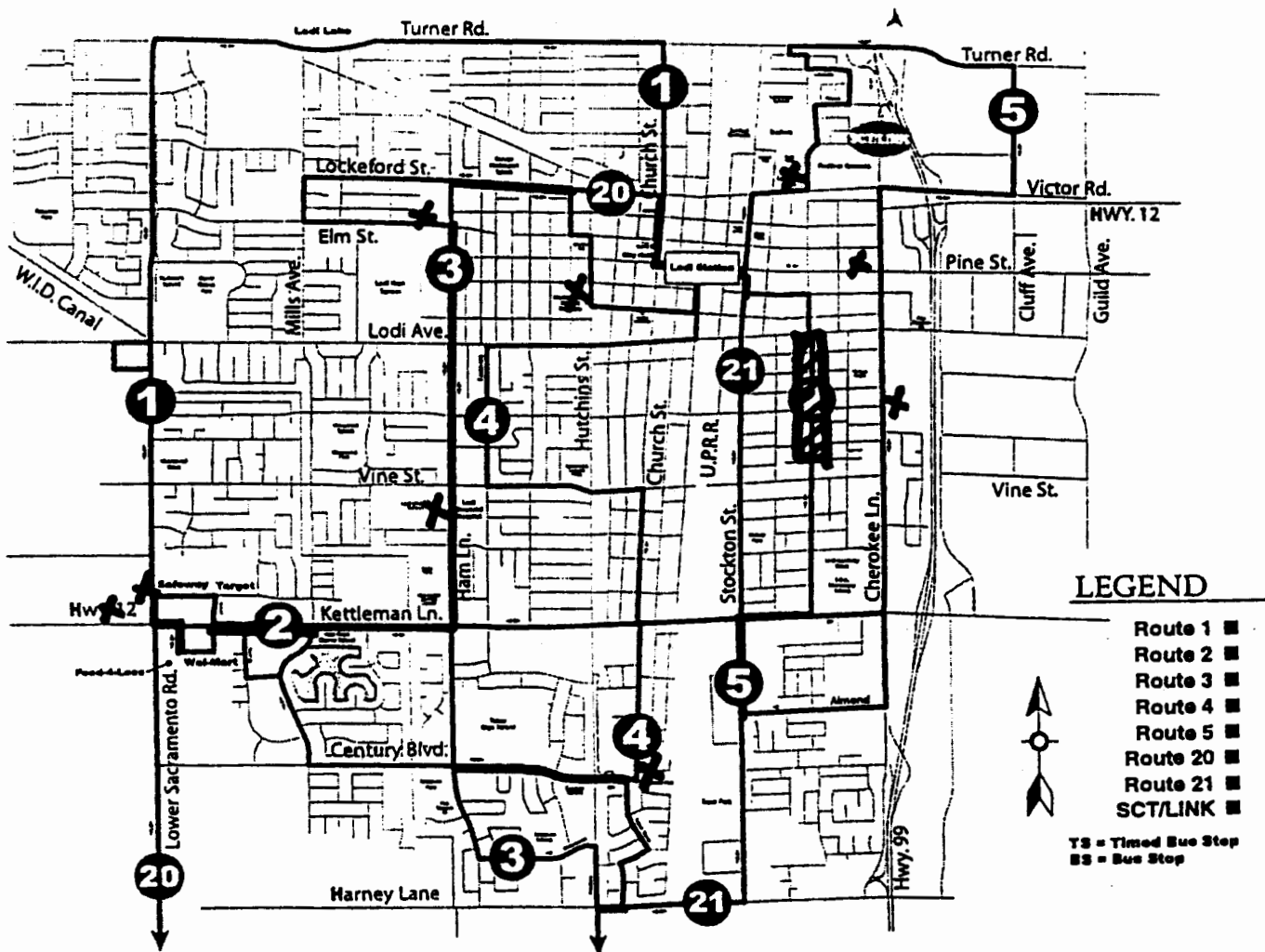
Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

Attachments

cc: Fleet and Facilities Manager
Transportation Manager

Attachment 1
Vicinity Map and Locations



Shelter location



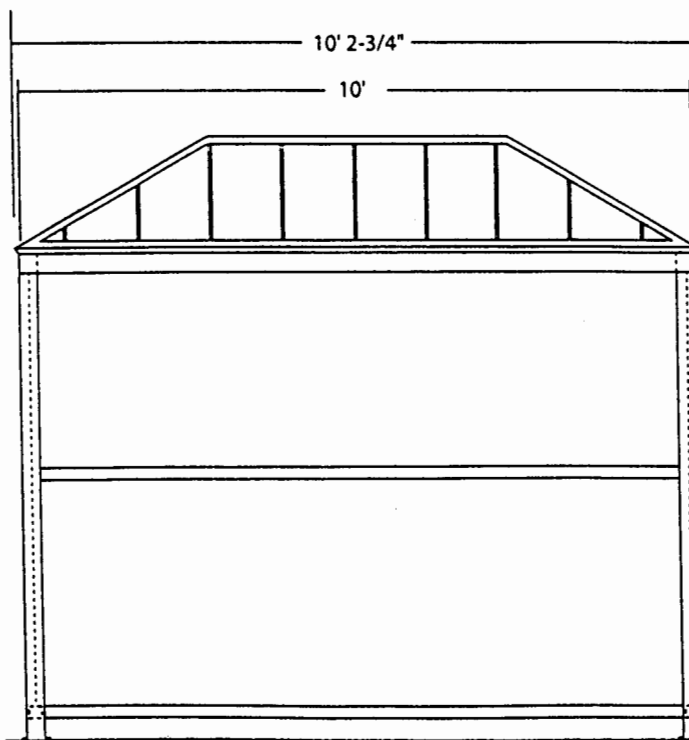
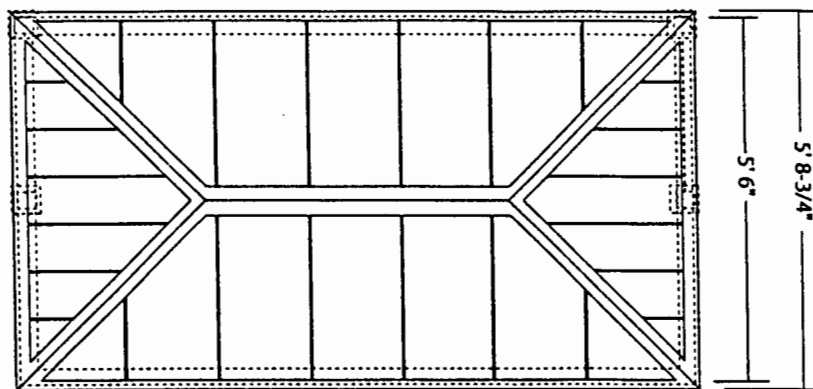
Shelter to be placed between Lodi Avenue and Tokay Street

Proposed Shelter Detail

Transit Passenger shelter constructed of square steel pipe with gabled roof. Features a 16-gauge, 42% perforated steel shade screen, allowing for air circulation.

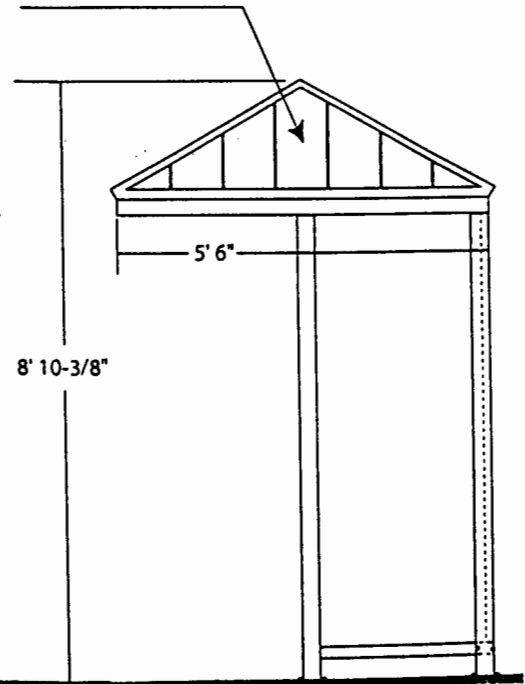
- Coating: Oven-baked powder coating, color as requested.
- Size: 10' long x 5' 6" deep x 8' 10-3/8" tall (7' to lowest point of roof).
- Frame: 3" square steel tubing.
- Shade/Weather Screens: 16-gauge, 42% perforated steel.
- Anchoring: 1/2" anchor bolts through welded steel footing plate.
- Roof: Standing-seam steel roofing, or similar.
- Optional Lighting: Ceiling-mounted incandescent fixture with polycarbonate fixture, fluorescent or solar lighting systems available.

Top



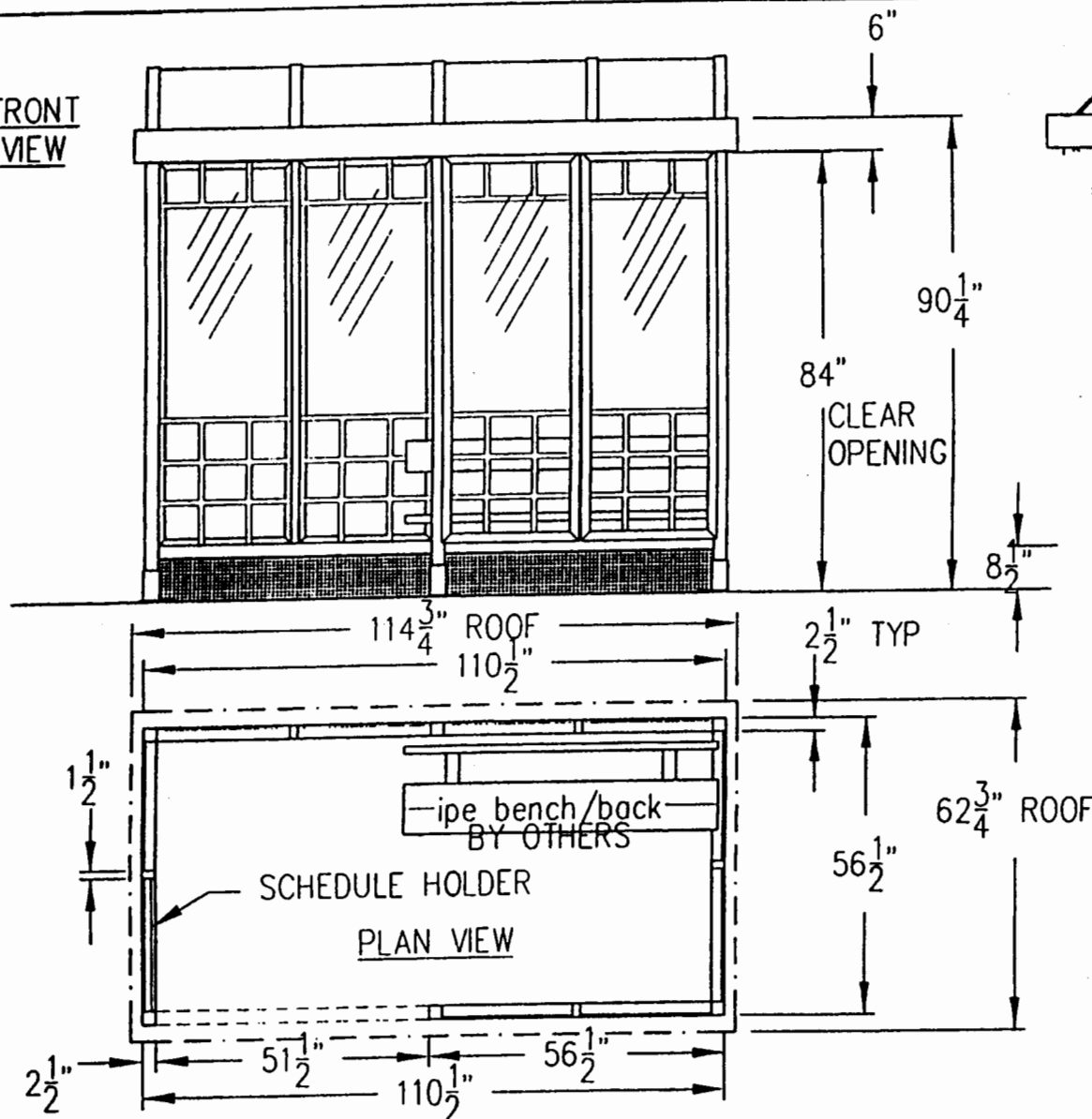
Front

Standing Seam Roofing



Side

FRONT
VIEW



Proposed Shelter

SIDE
VIEW

BASE SKIRTS

- GLAZING IS 1/4" CLEAR MAR-RESISTANT POLYCARBONATE SHEET
- ROOF IS BARREL VAULT W/ BRONZE-TINT 3/16" BRONZE ACRYLIC GLAZING
- ALUMINUM FINISH IS RAL 6005 POWDER COAT
- 5' FLOOR-MOUNT IPE BENCH AND BACKREST TO MATCH

MODULAR BUILDING FLOOR PLAN / ELEVATION

5' x 9' bus shelter type, job # _____

DR BY: B.D.I.

DATE: 3-19-97

SCALE: -NTS-

REV: 7-5-00



Smoking Shelters



Bus Shelters



Canopies Walkways



Proposed Shelter

Attachment 2
Proposed Bus Shelter

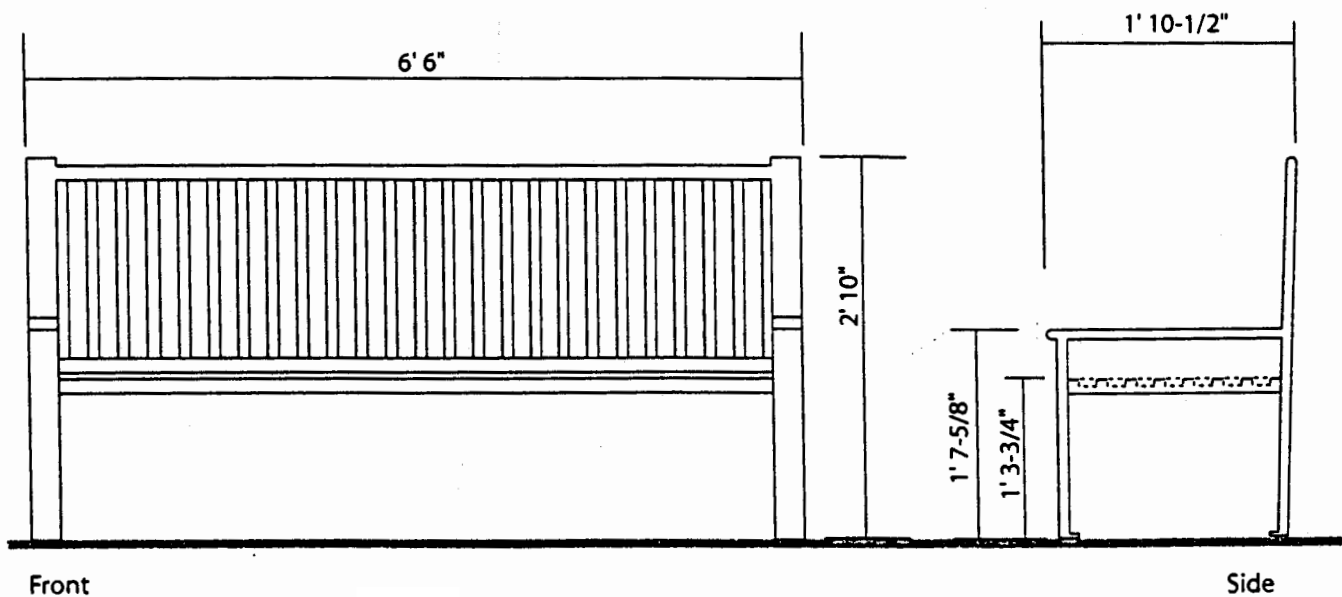




Bench will have additional center armrest.

Classic Prairie-Craftsman style steel-slat bench with back and arms

- Coating: Oven-baked powder coating, color as requested.
- Size: 6' 6" long X 1' 10-1/2" deep, with a seating surface height of 1' 3" and an arm height of 1' 7-5/8". Other lengths available.
- Frame: 1" x 3" rectangular steel tubing, welded.
- Anchoring: 1/2" anchor bolts through welded steel footing plate.
- Options: A middle arm(s) can be attached to prevent sleeping.



RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING REQUEST FOR PROPOSALS (RFP) FOR THE TRANSIT SHELTERS AND AMENITIES PROJECT, AUTHORIZING ADVERTISEMENT OF RFP AND FURTHER AUTHORIZING THE CITY MANAGER TO AWARD THE CONTRACT(S), IN AN AMOUNT NOT EXCEED \$225,000

WHEREAS, the Public Works Department Transit Division operates the GrapeLine bus service, which offers Fixed Route service within the City of Lodi and General Public Dial-A-Ride within the City of Lodi and Woodbridge, as well as limited stops in Acampo and south of Lodi; and

WHEREAS, transit shelters are placed to offer protection from the elements and a place to rest and await the next transit bus; and

WHEREAS, the Transit Division plans to purchase and install eleven shelters, and additional benches within the City limits. Transit shelters are proposed to be placed at the following locations:

- Rancho San Miguel Market
- Corner of Lockeford & Calaveras Streets (Bus stop across from Grape Festival driveway)
- Inside the Vintner's Square Shopping Center (adjacent to Lowe's garden department)
- Along Lower Sacramento Road, across from Safeway
- In front of the Meritage Apartments (on Turner Road at Lower Sacramento Road)
- Near Lodi Adult School on Pine Street
- Hutchins Street Square
- Lodi Middle School
- Central Avenue, between Lodi Avenue and Tokay Street
- Elm Street at Lakewood Mall
- Century Boulevard near Century Park

WHEREAS, staff has reviewed several potential shelter styles and benches, and staff recommends the selection of two designs to be bid as shown on Attachment 2 and Attachment 3.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves Request For Proposals (RFP) for the Transit Shelters and Amenities Project, and hereby authorizes Advertisement of RFP; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to award the contract(s) in an amount not to exceed \$225,000.00.

Dated: April 5, 2006

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS –
NOES: COUNCIL MEMBERS –
ABSENT: COUNCIL MEMBERS –
ABSTAIN: COUNCIL MEMBERS –

Susan J. Blackston
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Awarding Contract for White Slough Water Pollution Control Facility Holding Pond No. 1 Rehabilitation, 12751 North Thornton Road, to Delta Oilfield Services, Inc., of Woodland, (\$167,500) and Appropriating Funds (\$175,000)

MEETING DATE: April 5, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution awarding the contract for the White Slough Water Pollution Control Facility Holding Pond No. 1 Rehabilitation, 12751 North Thornton Road, to Delta Oilfield Services, Inc., of Woodland, in the amount of \$167,500, and appropriating funds in accordance with the recommendation shown below.

BACKGROUND INFORMATION: This project consists of windrowing, aerating, and air drying approximately 25,000 cubic yards of eroded soil and organic material, in place, at the bottom of Holding Pond No. 1. The project also consists of loading, hauling, and placing the suitably dried material at a designated storage yard at the White Slough Water Pollution Control Facility.

The plans and specifications for this project were approved on February 15, 2006. The City received four bids for the project at the bid opening on March 8, 2006. Contingency funds have been included in the appropriation.

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$150,000
Delta Oilfield Services, Inc.	Woodland	\$167,500
Asta Construction Company, Inc.	Rio Vista	\$168,250
Ford Construction Company, Inc.	Lodi	\$255,000
HSR, Inc.	Santa Clara	\$281,750

FISCAL IMPACT: Failure to perform this work will lead to decreased storage capacity in the pond, as well as permit violations due to over topping of the pond.

FUNDING AVAILABLE: Requested Appropriation (Wastewater Capital Fund): \$175,000
Project Estimate: \$175,000

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Del Kerlin, Assistant Wastewater Treatment Superintendent
RCP/DK/dk

cc: Joel Harris, Purchasing Agent
Del Kerlin, Assistant Wastewater Treatment Superintendent

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE
CONTRACT FOR WHITE SLOUGH WATER POLLUTION CONTROL
FACILITY HOLDING POND NO. 1 REHABILITATION, 12751 NORTH
THORNTON ROAD, AND FURTHER APPROPRIATING FUNDS

=====

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on March 8, 2006, at 11:00 a.m., for the White Slough Water Pollution Control Facility Holding Pond No. 1 Rehabilitation, 12751 North Thornton Road, as described in the specifications therefore approved by the City Council on February 15, 2006; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

<u>Bidder</u>	<u>Location</u>	<u>Bid</u>
Engineer's Estimate		\$150,000
Delta Oilfield Services, Inc.	Woodland	\$167,500
Asta Construction Company, Inc.	Rio Vista	\$168,250
Ford Construction Company, Inc.	Lodi	\$255,000
HSR, Inc.	Santa Clara	\$281,750

WHEREAS, the City Manager recommends award of the contract for the White Slough Water Pollution Control Facility Holding Pond No. 1 Rehabilitation, 12751 North Thornton Road, to Delta Oilfield Services, Inc., of Woodland, California in the amount of \$167,500.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the contract for the White Slough Water Pollution Control Facility Holding Pond No. 1 Rehabilitation, 12751 North Thornton Road, is hereby awarded to Delta Oilfield Services, Inc., of Woodland, California in the amount of \$167,500; and

BE IT FURTHER RESOLVED, that funds in the amount of \$175,000 be appropriated from the Wastewater Capital Fund for this project.

Dated: April 5, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Accepting Improvements for the Harney Lane Canal Crossing Project and Appropriating Additional Funds for Applicable Reimbursements (\$45,890)

MEETING DATE: April 5, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution accepting the Harney Lane Canal Crossing improvements and appropriating additional funds for applicable reimbursements.

BACKGROUND INFORMATION: Improvements at the Harney Lane Canal Crossing have been completed in substantial conformance with the requirements of the Improvement Agreement between the City of Lodi and K & W Development, LLC, as approved by the City Council on November 17, 2004, and as shown on Drawings No. 004D019-01 through 004D019-09.

The project consists of widening the Woodbridge Irrigation District (WID) canal crossing at Harney Lane, located east of the Century Meadows One, Unit 3 development and west of Ham Lane.

The widening of the canal crossing was required as a condition of approval for the adjacent Century Meadows One, Unit 3 residential development. Under the terms of the improvement agreement for that project approved by Council on November 3, 2004, the developer, K & W Development, LLC, was required to enter into a separate improvement agreement with the City covering the installation of improvements to widen the WID canal crossing at Harney Lane and extend a 10-inch public water main across the WID canal.

The Harney Lane WID canal crossing and associated water main extension are included in the Streets and Water Facilities categories of the Development Impact Mitigation Fee Program. City Council, at its meeting of November 17, 2004, approved an appropriation of \$832,000 to cover the City's portion of the canal crossing costs. Staff is now requesting an additional appropriation of \$45,891 to cover extra work items performed during the construction of the new canal crossing. The attached Exhibit A shows a break down of the total costs for this project. The extra work items include an additional \$43,350 to remove and replace unsuitable material beneath the new box culvert; \$20,595 to extend electric conduit to Ham Lane; \$19,636 to revise the wrought iron fence layout; \$13,348 to add expansion joints to the 10-inch water main across the box culvert; and \$7,210 for other miscellaneous items of work.

The actual engineering costs for this project were less than expected, and the original improvement agreement included a contingency of \$29,131. So, the request for additional funds is less than the cost of all of the extra work items.

APPROVED: _____
Blair King, City Manager

Adopt Resolution Accepting Improvements for the Harney Lane Canal Crossing Project and
Appropriating Additional Funds for Applicable Reimbursements (\$45,890)

April 5, 2006

Page 2

FISCAL IMPACT: There should be a slight decrease in long-term maintenance costs as a result of this project.

FUNDING:	IMF – Local Street Facilities (MBC004)	\$ 32,542.94
	IMF – Water Facilities (MWSX006)	\$ 13,348.00

Ruby Paiste, Interim Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer

RCP/WKF/pmf

Attachment

cc: City Attorney
Senior Civil Engineer - Development Services
Street Superintendent
Senior Engineering Technician
Woodbridge Irrigation District

HARNEY LANE CANAL CROSSING

	Project Costs from Improvement Agreement	Actual Project Costs
Demolition	\$ 17,000.00	\$ 17,000.00
Cutoff Dam and Diversion Pipeline	\$ 49,000.00	\$ 49,000.00
Culvert Structure	\$ 276,600.00	\$ 276,600.00
Concrete Work	\$ 25,000.00	\$ 25,000.00
Slope Protection	\$ 32,800.00	\$ 32,800.00
Water Main and Fittings	\$ 18,500.00	\$ 18,500.00
Fencing	\$ 108,000.00	\$ 108,000.00
Utility Conduits	\$ 3,000.00	\$ 3,000.00
Fill and Import Material	\$ 25,800.00	\$ 25,800.00
Harney Lane Pavement Section	\$ 122,254.00	\$ 122,254.00
Signage and Striping	\$ 30,000.00	\$ 30,000.00
Traffic Control	\$ 10,000.00	\$ 10,000.00
Permit Fee and Contract Costs	\$ 9,044.00	\$ 9,044.00
Contingencies	\$ 29,130.97	\$ -
Engineering, Design & Improvement Plans	\$ 35,309.21	\$ 36,800.00
Construction Staking, Billing Review, As-built Plans and Certifications	\$ 22,566.77	(Included in Engineering, Design and Improvement Plans)
Compaction Testing, Concrete Testing	\$ 17,995.05	\$ 9,964.00
<u>EXTRA WORK ITEMS</u>		
Overexcavation and Recompanction		\$ 43,350.00
Install Expansion Joints in 10-inch Water Main		\$ 13,348.00
Extend Elec. Conduit to Ham Lane		\$ 20,585.00
Add 8-inch Steet Casing for Gas Utility		\$ 1,666.37
Relocate Utility Conduit		\$ 713.32
Revise Striping Layout and Perform Additional Striping		\$ 4,830.00
Revise Wrought Iron Fence		\$ 19,636.25
TOTAL	\$ 832,000.00	\$ 877,890.94

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING
THE IMPROVEMENTS INCLUDED IN THE IMPROVEMENT
AGREEMENT FOR THE HARNEY LANE CANAL CROSSING
PROJECT, AND FURTHER APPROPRIATING FUNDS FOR
APPLICABLE REIMBURSEMENTS

=====

The City Council of the City of Lodi finds:

1. That the requirements of the Improvement Agreement between the City of Lodi and K & W Development, LLC for the Harney Lane Canal Crossing Project improvements located east of the Century Meadows One, Unit 3 development and west of Ham Lane, have been substantially complied with as specifically set forth in the plans and specifications approved by the City Council on November 17, 2004, shown on Drawings No. 004D019-01 through 004D019-09 on file in the Public Works Department; and
2. That the City Council hereby appropriates additional funds in the amount of \$45,890 for the applicable reimbursements as follows:

IMF – Local Street Facilities	\$32,542.94
IMF – Water Facilities	\$13,348.00

Dated: April 5, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution of Vacation to Abandon the South Seven Feet of an Existing 10-Foot Public Utility Easement at 1305 East Vine Street

MEETING DATE: April 5, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution vacating the south seven feet of an existing 10-foot public utility easement located at 1305 East Vine Street, APN 049-250-32, as shown on Exhibit A.

BACKGROUND INFORMATION: In order to remove the parcel encumbrance caused by an unused portion of an existing public utility easement, Lodi Unified School District (LUSD) has requested the abandonment of the south seven feet of the existing 10-foot public utility easement dedicated on Parcel 2 of the Parcel Map recorded in Book 17 of Parcel Maps, Page 167, San Joaquin County Records. The remaining three feet of the easement is currently occupied by an SBC Pacific Bell utility. A new seven-foot public utility easement abutting the remaining three feet is being dedicated to accommodate electrical utility facilities. The new seven-foot easement is located on the adjacent parcel that is also owned by LUSD. A proposed LUSD warehouse on the adjacent site has been conditioned to dedicate the new seven-foot public utility easement and the dedication is currently in process.

Under Section 8333 of the Street and Highway Code, a local agency may summarily vacate an easement if "the easement has been superseded by relocation and there are no other public facilities located within the easement". There are no public utilities in the portion of the easement to be abandoned.

The City of Lodi Water/Wastewater and Street Divisions, SBC, PG&E and Comcast have approved the public utility easement abandonment without further comment or conditions.

Staff therefore recommends that the request to abandon the south seven feet of the easement be granted without Planning Commission referral or the normal posting, publishing and public hearing.

FISCAL IMPACT: None.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Jeannie Matsumoto, Senior Engineering Technician
Attachment
cc: City Attorney Stephen Schwabauer

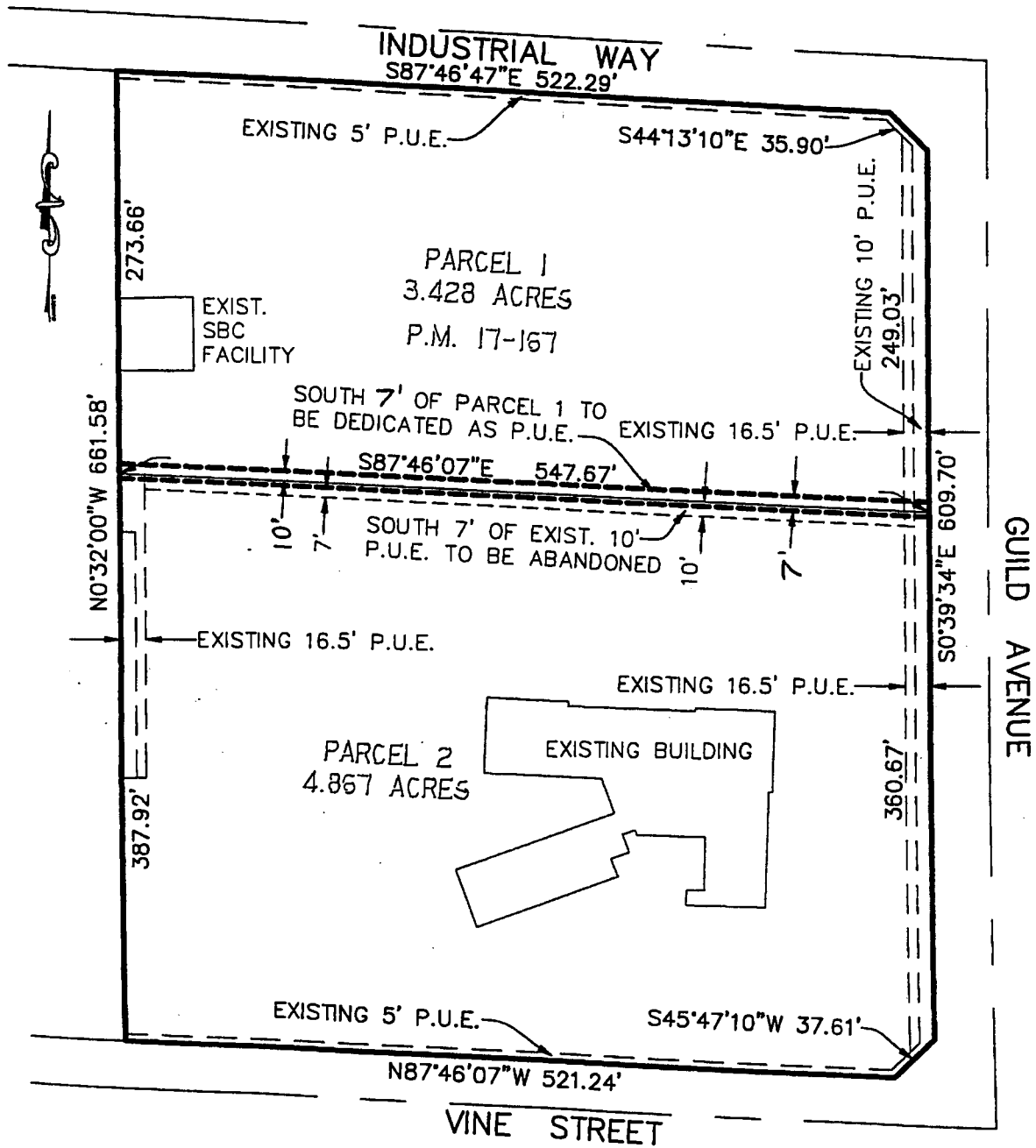
APPROVED: _____
Blair King, City Manager



CITY OF LODI

PUBLIC WORKS DEPARTMENT

EXHIBIT A PUBLIC UTILITY EASEMENT ABANDONMENT



STREETS AND HIGHWAYS CODE

SECTION 8330-8334.5

8330. (a) The legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation.

(b) A street or highway shall not be summarily vacated pursuant to this section if vacation would do either of the following:

(1) Cut off all access to a person's property which, prior to relocation, adjoined the street or highway.

(2) Terminate a public service easement, unless the easement satisfies the requirements of Section 8333.

8330.5. (a) Subject to subdivisions (b) and (c), the commission may retain, relinquish to a local agency pursuant to Section 73, or summarily vacate a state highway that has been superseded by relocation.

(b) The commission shall not vacate a state highway unless the commission has first given a notice of relinquishment pursuant to Section 73 and the legislative body of the local agency has protested within the prescribed 90-day period that the highway is not needed for public use and should be vacated by the commission.

(c) If vacation of a state highway would cut off all access to the property of any person which, prior to relocation, adjoined the highway, the commission shall either retain the highway or relinquish it pursuant to Section 73.

8331. The legislative body of a local agency may summarily vacate a street or highway if both of the following conditions exist:

(a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel.

(b) No public money was expended for maintenance on the street or highway during such period.

8332. The legislative body of a local agency may summarily vacate a street or highway pursuant to an agreement entered into with the department pursuant to Section 100.2 to close the street or highway at or near the point of its interception with a state freeway.

8333. The legislative body of a local agency may summarily vacate a public service easement in any of the following cases:

(a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.

(b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.

(c) The easement has been superseded by relocation and there are

no other public facilities located within the easement.

8334. The legislative body of a local agency may summarily vacate any of the following:

(a) An excess right-of-way of a street or highway not required for street or highway purposes.

(b) A portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another.

8334.5. Notwithstanding any other provision of this article, a street, highway, or public service easement may not be summarily vacated if there are in-place public utility facilities that are in use and would be affected by the vacation.

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
SUMMARILY VACATING AND ABANDONING THE
SOUTH SEVEN FEET OF AN EXISTING
TEN-FOOT PUBLIC UTILITY EASEMENT AT
1305 EAST VINE STREET

=====

WHEREAS, a ten-foot public utility easement located at 1305 East Vine Street, shown on Exhibit A attached hereto and incorporated herein, was dedicated on Parcel Two of Parcel Map filed for record in Book 17, of Parcel Maps, Page 167, San Joaquin County Records; and

WHEREAS, in order to remove the parcel encumbrance caused by an unused portion of an existing public utility easement, Lodi Unified School District (LUSD) has requested the abandonment of the south seven feet of the existing 10-foot public utility easement dedicated on Parcel 2 of the Parcel Map recorded in Book 17 of Parcel Maps, Page 167, San Joaquin County Records; and

WHEREAS, the remaining three feet of the easement is currently occupied by an SBC Pacific Bell utility, and a new seven-foot public utility easement abutting the remaining three feet is being dedicated to accommodate electrical utility facilities. The new seven-foot easement is located on the adjacent parcel that is also owned by LUSD. A proposed LUSD warehouse on the adjacent site has been conditioned to dedicate the new seven-foot public utility easement and the dedication is currently in process; and

WHEREAS, under Section 8333 of the Street and Highway Code, a local agency may summarily vacate an easement if it has not been used for the purpose for which it was dedicated, or if the easement has been superseded by relocation and there are no other public facilities located within the easement". There are no public utilities in the portion of the easement to be abandoned; and

WHEREAS, the City of Lodi Water/Wastewater and Street Divisions, SBC, PG&E and Comcast have approved the public utility easement abandonment without further comment or conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi finds and declares as follows:

1. The above recitals are true and correct.
2. The proposed vacation of the easement has not been used for the purpose for which it was dedicated and the easement has been superseded by relocation and there are no other public facilities located within the easement, and, in accordance with California Government

Code Section 65402(a), the City Council of the City of Lodi hereby provides that Government Code Section 65402(a) does not apply to this vacation.

3. That the south seven feet of the existing ten-foot Public Utility Easement located at 1305 East Vine Street (APN 049-250-32), shown on Exhibit A attached hereto and incorporated herein, is hereby summarily vacated as of the date of recordation of this Resolution and from and after that date no longer constitutes a public utility easement.
4. The vacation is made pursuant to Chapter 4, Part 3, of the Streets and Highways Code of the State of California.
5. The property owners will dedicate a new public utility easement in conformance with City requirements; and
6. The City Clerk is hereby authorized and instructed to record this Resolution pursuant to Streets and Highways Code Section 8336 without referral to the Planning Commission or the normal posting, publishing, and public hearing.

Dated: April 5, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Amending Resolution 2006-14 by Changing the 2005/06 Transportation Development Act Claim Amendment Total Claim to \$2,874,887

MEETING DATE: April 5, 2006

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution amending Resolution 2006 14 by changing the 2005/06 Transportation Development Act (TDA) Claim Amendment total claim to \$2,874,887.

BACKGROUND INFORMATION: At the January 18, 2006 meeting, the City Council approved the amendment of the 2005/06 TDA claim allocating an additional \$180,000 for Capital Funding and adjusting the Total Claim to \$2,937,121, which is the amount currently allocated to the City of Lodi for transportation. The total claim amount should have been \$2,874,887. The difference between the two totals (\$62,234) reflects a balance which staff is leaving in the City's TDA account with the San Joaquin Council of Governments (SJCOG). The balance remains available for the City's use and claim, however, at this time, there is not a project identified for the funding and, as such, the record-keeping is easier with the money retained by SJCOG.

FISCAL IMPACT: Failure to amend the resolution will result in the San Joaquin Council of Governments not being able to process the amendment previously submitted. Failure to amend the TDA claim would delay purchase of three transit vehicles, which would in turn result in higher maintenance costs due to the age of the current fleet.

FUNDING AVAILABLE: Not Applicable

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager

cc: Transportation Manager
Senior Accountant

APPROVED: _____
Blair King, City Manager

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL AMENDING
RESOLUTION NO. 2006-14 BY CHANGING THE 2005-06
TRANSPORTATION DEVELOPMENT ACT CLAIM AMENDMENT
TOTAL CLAIM TO \$2,874,887

=====

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby Amend Resolution 2006-14, by changing the 2005/06 Transportation Development Act (TDA) Claim Amendment total claim to \$2,874,887.

BE IT FURTHER RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute the amended claim on behalf of the City of Lodi.

Dated: April 5, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the Lodi City Council in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Adopt Resolution Authorizing the City Manager to Execute a License Agreement with Tony Segale, Segale Fine Arts and Gold Leaf Company, for Use of the Centennial Logo

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager to execute a license agreement with Tony Segale, Segale Fine Arts and Gold Leaf Company, for use of the Centennial logo.

BACKGROUND INFORMATION: The City Clerk Office is responsible for the planning and implementation of a number of celebratory events during the Lodi Centennial Year 2006. Tony Segale, Segale Fine Arts and Gold Leaf Company, has designed the Centennial logo (Exhibit A), which was unveiled at the January 4, 2006, City Council meeting.

A component of the Centennial events is the offering of souvenir items for sale that would bear the Centennial logo. In order to facilitate the production and marketing of souvenir items, license to place the Centennial logo on those items is required.

Following discussions with the artist, it has been agreed that the City and Tony Segale, Segale Fine Arts and Gold Leaf Company, would enter into a license agreement (Exhibit B) that would allow free usage of the Centennial logo during the Centennial Year for consideration in the amount of \$500.

Funding for the license agreement will come from the Centennial Year contribution from the Lodi Tokay Rotary Club.

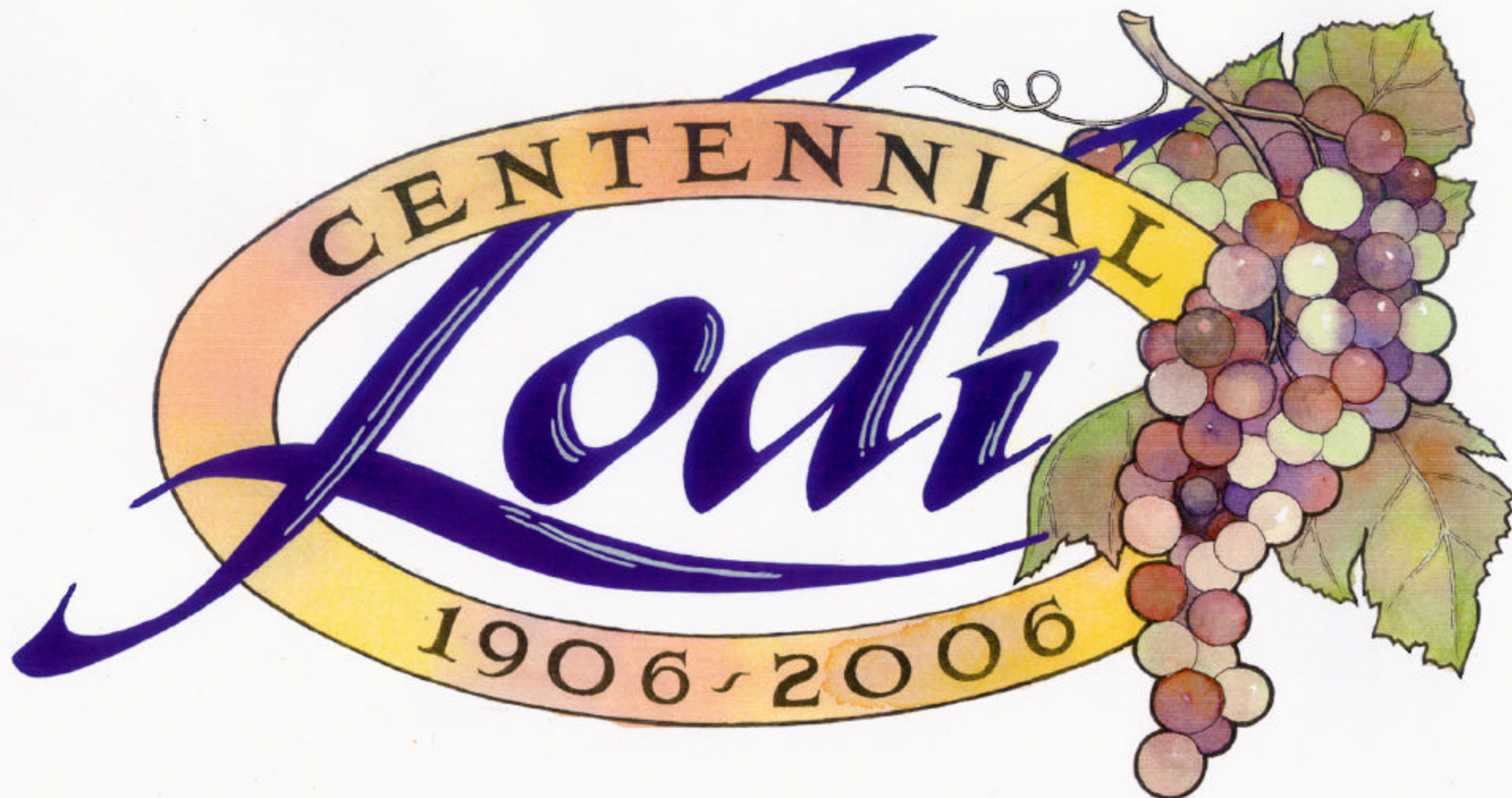
FISCAL IMPACT Not applicable.

FUNDING: Not applicable.

Susan J. Blackston
City Clerk

Prepared by F. Wally Sandelin, City Engineer
SJB/FWS/pmf
Attachments

APPROVED: _____
Blair King, City Manager



This License Agreement is entered into, by, and between the City of Lodi, a Municipal Corporation (Licensee) and Tony Segale, Segale Fine Arts and Gold Leaf Company (Licensor), 415 West Pine Street, Lodi, CA, 95240.

Definitions

Artwork. The City of Lodi Centennial Logo created for the primary purpose of identifying and celebrating Lodi's Centennial year and with ancillary purposes of advertising, identity, and design on merchandise used in conjunction with Centennial activities and events.

Merchandise. Items containing one or more Centennial Logo designs including but not limited to clothing, mouse pads, cups, mugs, posters, prints, bags, toys, calendars, playing cards, greeting cards, stickers and other consumable goods.

Internet-Based Sale. Sale of products/merchandise where the primary mechanism for sale is through the use of Internet technologies regardless of whether marketing and/or sales are initiated by phone, direct mail, or other means.

- A. **Licensor Warranties.** Licensor warrants that it owns the original Artwork, Name, and Logo which are subject to this Agreement. Licensor warrants that it has the power and authority to enter into this Agreement and has no knowledge as to any third-party claims regarding the proprietary rights of the subject Artwork that would interfere with the rights granted under this Agreement. Licensor warrants that all Artwork is original Artwork and free of any and all copyright infringement or other claims.
- B. **Indemnification by Licensor.** Licensor shall indemnify Licensee and hold Licensee harmless from any damages and liabilities (including reasonable attorney fees and costs) without limitations, arising from any breach of Licensor's warranties as defined in Licensor Warranties above.
- C. **Term of License for Artwork.** Once Licensor provides Artwork to Licensee and Licensee has approved the Artwork, Licensor grants Licensee an unlimited license to reproduce, offer for use in advertising, identity and design on merchandise used in conjunction with Centennial activities and events for a period through December 31, 2006. The license for this Artwork will automatically renew for one period of six (6) months. Either party can discontinue renewal of this License by providing the other party with written notice sixty (60) days prior to the date of one renewal period.
- Licensor agrees that the copyright or any other rights Licensor may have in the Artwork will not be assigned, transferred, or licensed to any third party during the term of this Agreement or any extensions thereof.
- D. **Grant of Rights for Sale of Artwork.** Licensor grants Licensee the following license on the Artwork.
- 1) Rights to use, reproduce, market, offer items for sale incorporating the artwork, sell, display and distribute merchandise containing the Artwork.
 - 2) Licensor agrees that Licensee reserves the rights to also reproduce, market and sell the original Artwork and copies made thereof.

3) Licensee and Licenser agree that rights and uses will not compete with the rights and uses of the other.

E. **Exclusivity.** All rights granted by Licenser to Licensee under this License Agreement are exclusive.

F. **Royalties and Fees.** Licensee warrants that no royalties nor fees will be collected for the use of the Artwork.

G. **Payment.** Licensee will pay to Licenser a one-time fee of \$500 for the Artwork.

H. **Original Artwork.** Original Artwork shall remain the property of Licenser. Licenser will provide all Licensed Artwork in either its original format or in digital format to Licensee.

Licenser:

Tony Segale
Segale Fine Arts and Gold Leaf Company

Licensee:
City of Lodi

Blair King, City Manager

Approved as to Form:

D. Stephen Schwabauer, City Attorney

Attest:

Susan J. Blackston, City Clerk

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL
APPROVING LICENSE AGREEMENT WITH TONY
SEGALE, OF SEGALE FINE ARTS AND GOLD LEAF
COMPANY, FOR USE OF THE CENTENNIAL LOGO

=====

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Lodi does hereby approve a License Agreement with Tony Segale, of Segale Fine Arts and Gold Leaf Company, for use of the Centennial Logo; and

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to execute the License Agreement on behalf of the City of Lodi.

Dated: April 5, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Resolution in Support of Senate Bill 1554, regarding local publicly owned electric utilities: cost responsibility surcharge (exit fees).

MEETING DATE: April 5, 2006

PREPARED BY: Electric Utility Director

RECOMMENDED ACTION: That the City Council adopt a resolution in support of Senate Bill 1554, regarding local publicly owned electric utilities: cost responsibility surcharge (exit fees).

BACKGROUND INFORMATION: Recent decisions of the California Public Utilities Commission (CPUC) have created a situation where future customers of publicly owned utilities could be charged fees (“exit fees”) associated with the energy crisis and the PG&E bankruptcy, even though they never received electric service from any of the investor owned utilities, did not receive any benefit from the rate reduction bonds, did not receive any electricity purchased by the State (DWR) and will not get power purchased through the State’s long term contracts.

In regard to new electric load, the CPUC has authorized the collection of charges relating to DWR bond charges associated with procurement costs (through 2022), DWR power charges recovering going-forward uneconomic power contract costs (through 2012), competition transition charges (through 2024), and PG&E bankruptcy-related charges (through 2012). The CPUC has not yet finalized a ruling regarding the calculation and quantification of these surcharges that could be as much 2.7 cents/kwh. The details regarding the billing and collections of these fees are still to be developed by the CPUC.

Senate Bill 1554 (Bowen and Cox) would prohibit the CPUC from imposing any charge, or “exit fee”, on a customer of a local publicly owned utility if that customer’s service location has not previously received service from an electrical corporation.

Energy rates are important factors in attracting business to California. These “exit fees” will further increase electric rates that are already the highest in the nation. Unfortunately, the CPUC’s exit fee decisions may result in the imposition of charges on future electric customers of municipalities locating in newly annexed areas. Businesses who would otherwise locate in annexed areas of Lodi, for instance, may choose to locate out-of-state to avoid these additional costs; further discouraging new economic development in the state.

Staff believes it is not appropriate to charge customers who never received service from an investor owned utility for the costs of the investor owned utility. Without a legislative solution, customers who move into new residences and businesses in newly developed municipally-served areas could receive a

APPROVED: _____
Blair King, City Manager

bill from the local utility for electric service and bill from the investor owned utility for service they never used.

For these reasons, it is respectfully requested that the City Council adopt the attached resolution in support of SB 1554.

FUNDING: None.

George F. Morrow
Electric Utility Director

GM/mw
Attachment

cc: City Attorney
Sondra Huff

BILL NUMBER: SB 1554 INTRODUCED
BILL TEXT

INTRODUCED BY Senators Bowen and Cox

FEBRUARY 23, 2006

An act to add Section 9601.5 to the Public Utilities Code,
relating to local publicly owned electric utilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1554, as introduced, Bowen Local publicly owned electric
utilities: cost responsibility surcharge.

Under existing law, the Public Utilities Commission has regulatory
authority over public utilities, including electrical corporations.
Under existing law, the commission has imposed a cost responsibility
surcharge on municipal departing load, as defined in commission
decisions. Existing law relative to electrical restructuring, with
certain exceptions, prohibits a local publicly owned electric utility
from providing electric service to a retail customer of an
electrical corporation unless the customer first confirms in writing
an obligation to pay to the electrical corporation a nonbypassable
generation-related severance fee or transition charge established by
the regulatory body for that electrical corporation.

This bill would prohibit the commission from imposing any charge,
including a cost responsibility surcharge, on a customer of a local
publicly owned electric utility if the customer's service location
has not previously received service from an electrical corporation.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 9601.5 is added to the Public Utilities Code,
to read:

9601.5. Notwithstanding any other law, the commission shall not
impose any charge, including, but not limited to, a cost
responsibility surcharge, on a customer of a local publicly owned
electric utility if the customer's service location has not
previously received service from an electrical corporation.

RESOLUTION NO. 2006-_____

A RESOLUTION OF THE LODI CITY COUNCIL IN
SUPPORT OF SENATE BILL 1554 REGARDING
LOCAL PUBLICLY OWNED ELECTRIC UTILITIES:
COST RESPONSIBILITY SURCHARGE (EXIT FEES)

=====

WHEREAS, the City of Lodi operates a municipal electric utility which provides electric service to its residents; and

WHEREAS, the City of Lodi annexes unpopulated and undeveloped territory to encourage and accommodate orderly commercial and residential growth; and

WHEREAS, the economy of the State of California needs such growth; and

WHEREAS, the electricity rates of California's investor-owned electric utilities are artificially high as the State seeks to recover from the energy crisis of 2000-2001; and

WHEREAS, high electricity costs hinder economic growth; and

WHEREAS, decisions of the California Public Utilities Commission to artificially increase the price of electricity for new customers of the City of Lodi's electric utility in newly annexed areas of the city are unwarranted.

NOW, THEREFORE BE IT RESOLVED, that the City of Lodi strongly supports Senate Bill 1554 (Bowen), and urges its passage by the California State Legislature.

Dated: April 5, 2006

=====

I hereby certify that Resolution No. 2006-_____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held April 5, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

SUSAN J. BLACKSTON
City Clerk

2006-_____

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointment to the Lodi Arts Commission

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, concur with the Mayor's recommended appointment to the Lodi Arts Commission.

BACKGROUND INFORMATION: As indicated below, the City Clerk's Office was directed to post for the vacancy on the Lodi Arts Commission. It is recommended that the City Council concur with the following appointment.

Lodi Arts Commission

* _____ Term to expire July 1, 2009 (*posting of vacancy ordered on 2/1/06*)

NOTE: *One applicant (one new application);
published in Lodi News-Sentinel 2/4/06;
application deadline 3/6/06*

***NOTE:** This information will be provided as a "blue sheet" item at the meeting.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



TM

CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Appointments to Northern California Power Agency and Transmission Agency of Northern California

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, make appointments to the Northern California Power Agency (NCPA) and Transmission Agency of Northern California (TANC).

BACKGROUND INFORMATION: With the recent staff changes, it is appropriate to update the representatives serving on NCPA and TANC. It is recommended that the City Council concur with the following appointment of Electric Utility Director, George Morrow, as well as reaffirming the appointments of Council Members Hansen and Hitchcock, to NCPA and TANC. The City Manager concurs with the appointments of George Morrow.

Northern California Power Agency

Larry Hansen, Delegate

Susan Hitchcock, Alternate

*George Morrow, Alternate

Transmission Agency of Northern California

*George Morrow, Delegate

*Larry Hansen, Alternate

Susan Hitchcock, Alternate

**Signifies new appointment and change to current service level.*

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI COUNCIL COMMUNICATION

TM

AGENDA TITLE: Post for Vacancy on the Lodi Improvement Committee

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, direct the City Clerk to post for the vacancy on the Lodi Improvement Committee.

BACKGROUND INFORMATION: The City Clerk's Office received a letter of resignation (filed) from Commissioner, Ed Beswick. It is, therefore, recommended that the City Council direct the City Clerk to post for the vacancy below.

Lodi Improvement Committee

Ed Beswick Term to expire March 1, 2008

Government Code Section 54970 et seq. requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston
City Clerk

SJB/JMP

APPROVED: _____
Blair King, City Manager



CITY OF LODI
COUNCIL COMMUNICATION

NOTE: At the request of Council Member Mounce, the City Manager will request that Item K-1 be rescheduled to the meeting of April 19, 2006.

AGENDA TITLE: Consider adoption of Resolution placing the national motto “In God We Trust” and state motto “Eureka” on plaques in the Carnegie Forum Lobby.

MEETING DATE: April 5, 2006 City Council Meeting

PREPARED BY: Steve Schwabauer, City Attorney

RECOMMENDED ACTION: That the Council consider adoption of Resolution placing the national motto “In God We Trust” and state motto “Eureka” on plaques in the Carnegie Forum Lobby.

BACKGROUND INFORMATION: At the March 29, 2006 Special Council Meeting, Council directed the City Attorney’s Office to return with a legal analysis regarding the legality of displaying the national motto in celebration of its 50th year, the state motto in celebration of its adoption and the new city motto, “Livable, Loveable, Lodi” as a part of the City’s centennial celebration.

The national motto has appeared on US currency since the Civil War. It was adopted in the 1950’s pursuant to 36 USC § 186. Indeed variants of it appear in both the National Anthem, and in President Lincoln’s Gettysburg Address. Referring to the national motto, Justice Brennan in a non-binding concurrence observed: “It is not that the use of these four words [“In God We Trust”] can be dismissed as ‘de minimus’—for I suspect there would be intense opposition to the abandonment of the motto. The truth is that we have simply interwoven the motto so deeply into the fabric of our civil polity that its present use may well not present the type of involvement which the first amendment prohibits.” (Abington School District v. Schempp 374 US 203, 303, Brennan J. conc.)

However, the national motto has never itself been the subject of a direct constitutional attack. Indeed, although frequently referred to in judicial opinions on the Establishment Clause of the First Amendment, it is typically in a concurring opinion or a dissent regarding another historical yet religious practice such as prayer in schools or at legislative sessions. However, given the most recent Supreme Court decision approving the State of Texas’ display of the Ten Commandments on its capital grounds based upon its historic use and apparent secular purpose of reflecting the development of the American legal system, (Van Orden v. Perry 125 S.Ct. 2854) it would likely survive a federal constitutional challenge. The *Van Orden* Court noted that the strict *Lemon* test is typically applied to religion in the public square but also noted an exception to *Lemon*, where, as here, the use is of particular historic and nonreligious significance. It is important to note however, that the Establishment Clause area is highly dynamic and that even our nation’s best legal minds have difficulty agreeing on the test that should be applied to the use of religious phrases and symbols in America’s public square. Indeed, Justices Thomas, Scalia, Breyer and Rhenquist all noted in their separate opinions in *Van Orden* that the Court’s Establishment Clause jurisprudence was incoherent and incapable of consistent application.

Surviving challenge under the federal constitution of course is not the sole test, for in California, we have our own Establishment Clause which has been interpreted to be even more protective of the principle of separation of church and state. Section 4 of article I guarantees the “[f]ree exercise and enjoyment of religion without discrimination or preference....” Under the California Constitution, prayers in school have

APPROVED: _____
Blair King, City Manager

been stricken down (*Sands v. Morongo Unified School District* 53 Cal.3d 863) yet nonsectarian prayers in legislative sessions have been upheld. (See e.g. *Rubin v. City of Burbank*, 101 Cal. App.4th 1194; 76 Ops. Cal. Atty Gen. 281) It should be noted that the prayer approved in *Rubin* must be nonsectarian, meaning that pastors must be chosen from the full spectrum of religious belief, rotated and admonished not to refer to a particular deity such as Jesus Christ or Allah. However, the *Rubin* Court did follow the U.S Supreme Court's exception to the Lemon Test for practices that are so imbedded in our historical framework that they are more a patriotic celebration of the principles of our founders than religious. As such, it is my view that this display, being small and in celebration of the Lodi's centennial year and being displayed together with the state and city motto would survive federal and state constitutional challenge.

Stephen Schwabauer
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Introduce Ordinance Amending Lodi Municipal Code, Title 1, General Provisions, by creating Chapter 1.10 Administrative Enforcement Provisions; and by repealing in its entirety Chapter 2.34, Administrative Procedures for Administrative Proceedings; and by Repealing and Re-Enacting Sections of Title 15, Buildings and Construction, Chapters 15.04 Through 15.30 of the Codes of the City of Lodi, and All Other Ordinances and Parts of Ordinances in Conflict Therewith To Add Administrative Citation and Hearing Procedures

MEETING DATE: April 5, 2006

PREPARED BY: Community Improvement Manager

RECOMMENDED ACTION: That the City Council Introduce an Ordinance Amending Lodi Municipal Code, Title 1, General Provisions, by creating Chapter 1.10 Administrative Enforcement Provisions; and by repealing in its entirety Chapter 2.34, Administrative Procedures for Administrative Proceedings; and Repealing and Re-Enacting Sections of Title 15, Buildings and Construction, Chapters 15.04 through 15.30 of the Municipal Code of the City of Lodi, and all other ordinances and parts of ordinances in conflict therewith to add Administrative Citation and Hearing procedures.

BACKGROUND INFORMATION: Presentations regarding current and proposed code enforcement processes were made to the City Council at the Shirtsleeve Meetings of September 13, 2005 and March 21, 2006. One of the goals of those presentations was to explore certain processes being used by code enforcement agencies throughout California that could be used in Lodi to make our code enforcement efforts more efficient and effective.

Most comprehensive code enforcement programs have a variety of both judicial and administrative remedies to enforce violations of Municipal Codes and applicable state codes. The City of Lodi's code enforcement program currently has use of various judicial remedies through criminal, civil and other legal remedy established by law. These remedies can be effective but are very time consuming and are often heavy-handed considering the nature of the violation. What is sought through the adoption of this ordinance is to establish the use of administrative citations and administrative enforcement hearings. These procedures are intended to create a more responsive code enforcement tool by providing notice to someone responsible for conditions or activities upon a property, as well as a forum to efficiently, expeditiously and fairly resolve issues raised in any administrative enforcement action. Furthermore, these procedures are intended to afford due process of law to any person directly affected by an administrative action.

APPROVED: _____
Blair King, City Manager

The Administrative Enforcement Provisions proposed in this ordinance will establish specific administrative provisions for code enforcement actions, such as procedures for both the administrative Notice of Violation and the Administrative Citation. These provisions also include specific procedures for the abatement of nuisances, including the summary abatement of immediate hazard and nuisance conditions. These new administrative provisions are intended to replace those established in Chapter 2.34, that were found to be overly cumbersome and restrictive for our purposes and were only intended for use as the administrative provisions for Chapter 8.24 - Municipal Environmental Response and Liability Ordinance, which was repealed previously by Council.

One of the key elements of these provisions allows for the assessment of administrative/civil penalties. These administrative penalties start at \$100 per violation, per day, while civil penalties provide another alternative method of enforcement for more serious, blatant and/or egregious code violations and allow for the assessment of penalties of up to \$1000 per violation, per day.

An additional benefit of the administrative remedies, is that any fees, fines, and penalties assessed through the processes are kept within the jurisdiction, as opposed to the various civil/judicial remedies where the city receives only a very small percentage of the assessed fine or penalty. This supports the policy adopted by Council of making those who create the demand for additional code enforcement services responsible for the cost of those services.

The adoption of new Administrative Enforcement Proceedings will also effect certain sections of Lodi Municipal Code Chapter 3.01 – Business Tax Certification, Chapter 10.56 – Removal of Vehicles, Chapter 15.04 – Building Code, Chapter 15.20 – Fire Code, Chapter 15.24 – Housing Code, Chapter 15.28 – Abatement of Dangerous Buildings Code, Chapter 15.30 – Property Maintenance and Designation of Certain Kinds of Nuisances, and Chapter 15.31 Weed and Refuse Abatement; all pertaining to the appeal of decisions based upon those codes. Each of those Chapters will have their method of appeal amended to be consistent with the administrative hearing process.

Another key element of the proposed ordinance is the establishment of an administrative hearing process. This new process is intended to establish a more effective and complete method of providing due process for all aspects of the City's administrative code enforcement function. This new hearing process is intended to be available for the Community Improvement Division, Fire Department, Public Works Department, the Finance Department and any other department that has responsibility for enforcement of local codes and regulations.

In general, the hearing for any administrative action, whether that be a Notice of Violation, Admin Citation, or other administrative notice or action, is conducted by a hearing officer. A hearing officer cannot be a city employee, and their compensation cannot be conditioned directly or indirectly upon the amount of the fine or penalty assessed. After conducting the hearing, the hearing officer would make a decision to uphold or deny the administrative action. If the action is upheld (appeal denied), the City retains the fees collected. The proposed ordinance establishes fines in the amount of \$100 for the first Admin Citation, \$250 for the second Admin Citation, and \$500 for the third and all subsequent Admin Cites.

FISCAL IMPACT: In preparation of the budget for the Special Revenue Fund for the Community Improvement Division, it was estimated that an additional \$25,000 in revenue would be gained through Administrative Citations.

FUNDING AVAILABLE: Self-generating from fine revenue.

Ruby Paiste, Interim Finance Director

Joseph Wood
Community Improvement Manager

Concurred:

Randy Hatch
Community Development Director

Attachments

cc: City Attorney
Community Development Director

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING LODI MUNICIPAL CODE, TITLE 1 – “GENERAL
PROVISIONS”, BY CREATING AND ADDING CHAPTER 1.10 –
“ADMINISTRATIVE ENFORCEMENT PROVISIONS”

=====

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. CHAPTER 1.10 – “ADMINISTRATIVE ENFORCEMENT PROVISIONS” is hereby
added to Lodi Municipal Code Title 1 – “GENERAL PROVISIONS”, as follows:

CHAPTER 1.10

ADMINISTRATIVE ENFORCEMENT PROVISIONS

Article I – Code Enforcement – Administrative Provisions

Sections:

- 1.10.010 Declaration of purpose
- 1.10.020 Definitions
- 1.10.030 Administrative enforcement authority
- 1.10.040 Authority to inspect
- 1.10.050 Code enforcement fees; purpose
- 1.10.060 Assessment of reinspection fees
- 1.10.080 Code enforcement fees exemption
- 1.10.090 Notification of assessment of reinspection fees
- 1.10.100 Collection of reinspection fee

Article II – Notice of Violation

Sections:

- 1.10.110 Notice of violation; procedures
- 1.10.120 Service of notices
- 1.10.130 Proof of notice
- 1.10.140 Recordation of notices of violation; purpose
- 1.10.150 Procedures for recordation
- 1.10.160 Service of notice of violation
- 1.10.170 Procedures to appeal recordation
- 1.10.180 Appeal hearing; recordation of notice
- 1.10.190 Notice of compliance; removal procedures
- 1.10.200 Prohibition against issuance of municipal permits
- 1.10.210 Cancellation of recorded notice of violation

Article III – Administrative Citations

Sections:

- 1.10.220 Administrative citations; authority
- 1.10.230 Administrative citations; procedures
- 1.10.240 Contents of administrative citation

- 1.10.250 Appeal of administrative citation
- 1.10.260 Fines for administrative citations
- 1.10.270 Failure to pay administrative fine
- 1.10.280 Allocation of administrative fine

Article IV – Abatement

Sections:

- 1.10.290 Abatements; declaration of purpose
- 1.10.300 Authority
- 1.10.310 General provisions
- 1.10.320 Abatement of a public nuisance by the City
- 1.10.330 Summary abatement
- 1.10.340 Authority
- 1.10.350 Procedures

Article V – Administrative Penalties

Sections:

- 1.10.360 Declaration of Purpose
- 1.10.370 Authority
- 1.10.380 Procedures; issuance of notice and order
- 1.10.390 Determination of civil penalties
- 1.10.400 Recovery of civil penalties
- 1.10.410 Cancellation of code enforcement lien
- 1.10.420 Administrative costs
- 1.10.430 Failure to comply with notice and order
- 1.10.440 Civil penalties hearing

Article VI – Administrative Hearings

Sections:

- 1.10.450 Administrative hearing procedures
- 1.10.460 Procedures for requesting an appeals hearing
- 1.10.470 Procedures for notification of administrative hearing
- 1.10.480 Procedures at administrative hearing
- 1.10.490 Failure to attend administrative hearing
- 1.10.500 Administrative order
- 1.10.510 Judicial review
- 1.10.520 Failure to comply with the administrative order; misdemeanor

Article I - CODE ENFORCEMENT - ADMINISTRATIVE PROVISIONS

Section 1.10.010 Declaration of purpose.

A. The City Council finds that the enforcement of the Lodi Municipal Code and applicable state codes throughout the City is an important public service. Code Enforcement is vital to the protection of the public's health, safety and quality of life. The City Council recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative enforcement hearings and judicial proceedings. After consideration of the recommendations of the Community Improvement Division, the City Council further finds that a

comprehensive code enforcement system requires a variety of judicial remedies and administrative remedies to enforce violations of this Code and applicable state codes. The City Council also finds that there is a need to establish uniform procedures for administrative enforcement hearings conducted pursuant to this Code. It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes: adequate notice, an opportunity to participate in the administrative hearing process and an adequate explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously and fairly resolve issues raised in any administrative enforcement action. The City Attorney is authorized to develop policies and procedures relating to the qualifications, appointment and compensation of hearing officers, hearing officer powers, hearing procedures, scope of the hearing, subpoena powers and other matters relating to administrative enforcement hearings.

B. The procedures established in this Chapter shall be in addition to criminal, civil or other legal remedies established by law which may be pursued to address violations of this Code or applicable state codes and the use of this Chapter shall be at the sole discretion of the City.

Section 1.10.020 Definitions.

- A. ADMINISTRATIVE CITATION: means a document issued by a Community Improvement Officer to a person violating the provisions of this Code or applicable state code.
- B. ADMINISTRATIVE ORDER: means an order issued by an Administrative Hearing Officer after a hearing requiring a Responsible Person to correct violations, abate a public nuisance, pay administrative fines, civil penalties, administrative costs, authorize the City to abate a public nuisance, assess a Code Enforcement Lien or take any other action as authorized or required by this Code and applicable state codes.
- C. ASSESSMENT LIEN: means a lien recorded with the San Joaquin County Recorder's Office for the purposes of collecting outstanding administrative citation fines, civil penalties and administrative costs imposed as part of a cost recovery, administrative or judicial code enforcement action. It shall also mean the same as a Code Enforcement Lien.
- D. CODE ENFORCEMENT LIEN: see definition of Assessment Lien.
- E. CODE ENFORCEMENT OFFICER: means a person authorized to enforce violations of the Lodi Municipal Code, adopted Uniform Codes and applicable state codes within their City department's jurisdiction.
- F. DIRECTOR: shall include each of the directors of the following City departments: Planning and Community Development, Public Works, Parks, Recreation and Facilities, Municipal Utilities, Finance, and the Department of Public Safety and any of their designated agents or representatives within their jurisdiction.
- G. HEARING OFFICER (or Administrative Hearing Officer): means any person appointed by the City Attorney to preside over administrative hearings.

- H. NOTICE AND ORDER: means a document used in abatement actions and assessment of civil penalties involving serious code violations which provide notice of Municipal Code, adopted Uniform Codes or applicable state code violations and orders a Responsible Person to take certain steps to correct the violations within a definitive period of time. Civil penalties may also be imposed in conjunction with this Notice.
- I. NOTICE OF COMPLIANCE: means a document issued by a Director which represents that a property has been brought into compliance with the criteria set forth under this Code.
- J. NOTICE OF SATISFACTION: means a document or form which indicates that all outstanding civil penalties and costs have either been paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt.
- K. NOTICE OF VIOLATION: means a written notice which informs a Responsible Person of code violations present on the subject property, lists the required compliance actions and contains specific information as required by this Code. The Notice of Violation may be recorded with the San Joaquin County Recorder's Office.
- L. OWNER: applied to a building or land, shall include any part owner, joint owner, tenant, tenant in common, joint tenant, of the whole or a part of such building or land.
- M. PERSON: unless it otherwise appears from the context as used, includes any person, firm, association, organization, partnership, business trust, company, corporation, public agency, school district, the State of California, its political subdivisions and/or instrumentalities thereof or any other entity which is recognized by law as the subject of rights or duties.
- N. PROPERTY OWNER: means the record owner of real property as listed on the last equalized assessment roll maintained by the San Joaquin County Assessor.
- O. RESPONSIBLE PERSON: means a person who a Director determines is responsible for causing, permitting, or maintaining a public nuisance or a violation of the Lodi Municipal Code, adopted Uniform Codes or applicable state codes. The term "Responsible Person" includes, but is not limited to, a property owner, tenant, person with a legal interest in the subject property, person in possession of the subject property or person that exercises custody and control over the subject property.
- P. SHALL is mandatory and MAY is permissive. However, the use of the word "shall" in this Chapter is not intended and shall not impose any mandatory duty to third parties by the City of Lodi, its commissions, boards, officers, agents or employees and is not intended and shall not impose any liability on the City of Lodi, its commissions, boards, officers, agents or employees.

Section 1.10.030 Administrative enforcement authority.

The Community Development Director, designated Community Improvement Officers, the Fire Chief and other City Directors and/or their designated agents have the authority and powers

necessary to determine whether a violation of this Code or applicable state codes exists and the authority to take appropriate action to gain compliance with the provisions of this Code or applicable state codes. These powers include the power to issue Notices of Violation, Administrative Citations, Notices and Orders, and civil penalties, the power to inspect public and private property and use the administrative remedies which are available under this Code, adopted Uniform Codes or applicable state codes.

Section 1.10.040 Authority to inspect.

A Director, a Community Improvement Officer or other duly authorized agent are authorized to enter upon any property or premises within the City to ascertain whether the provisions of this Code or applicable state codes are being obeyed, and to make any examinations and surveys as may be necessary in the performance of their enforcement duties. These may include the taking of photographs, samples or other physical evidence such as the use of a sound level measurement device to measure noise disturbances. All inspections, entries, examinations and surveys shall be done in a reasonable manner. If an owner, occupant or agent or other Responsible Person refuses permission to enter or inspect, the Community Improvement Officer may seek an administrative inspection warrant pursuant to the procedures provided for in the California Code of Civil Procedure.

Section 1.10.050 Code enforcement fees; purpose.

A. The City Council finds there is a need to recover costs incurred by the City in its code enforcement efforts including time spent by City personnel inspecting and reinspecting properties throughout the City, preparing and posting the various notices that are required under this Code whenever a property is found to be in violation of a mandatory provision, processing a case file, towing inoperative vehicles, obtaining inspection warrants, and preparing for and appearing at Administrative Hearings, which procedures all become necessary when a Responsible Person fails to voluntarily correct code violations on his or her property. These additional code enforcement efforts are not usually undertaken or employed until after a Responsible Person has failed to respond on a voluntary basis to notices and/or warnings from the City or volunteers.

B. The City Council further finds the assessment of fees for the services listed in subsection A, are an appropriate method to recover costs incurred for the additional work that is undertaken by City Staff when a responsible person fails to voluntarily correct code violations on his or her property in a timely manner. The assessment and collection of these code enforcement fees shall not preclude the imposition of, and shall be in addition to, any administrative or judicial civil penalties or fines for violations of this Code or applicable state codes.

Section 1.10.060 Assessment of reinspection fees.

A. Whenever a Community Improvement Officer and/or designated staff inspects, reinspects processes a case file, prepares and posts a Notice of Intent to Abate, a Notice of Violation, Notice to Vacate, Notice and Order of Demolition, Abandoned Vehicle Abatement Notice, seeks and obtains an inspection warrant, prepares for and appears at an Administrative Hearing, or any other action as may be hereinafter designated by Resolution of the City Council,

for which an action has been initiated to obtain compliance with this Code or applicable state code, a Director shall assess the appropriate code enforcement fee against the Responsible Person.

Section 1.10.070 Amount of reinspection fees.

A code enforcement fee schedule shall be established and revised as necessary by the City Council to reflect current costs. The code enforcement fee schedule shall be filed in the City Clerk's office.

Section 1.10.080 Code enforcement fees exemption.

No fee shall be charged if any of the following circumstances exist:

- A. A Notice of Compliance has been issued;
- B. It is determined that the previously identified Responsible Person has not caused the code violation; or
- C. The Responsible Person fully complies with any Notice of Violation or warning before the compliance reinspection deadline set by Code Enforcement staff.

Section 1.10.090 Notification of assessment of reinspection fees.

- A. Where the assessment of code enforcement fees is authorized under this Chapter, the Director shall provide the Responsible Person with a written notice assessing code enforcement fees. The written assessment shall contain the following information: 1. The amount of fees charged; and 2. The corresponding dates when code enforcement action took place; and 3. A deadline by which the code enforcement fee must be paid.
- B. Notification of the code enforcement fee assessment shall be provided to the Responsible Person by any of the means outlined in this Chapter.
- C. Code Enforcement fees may be assessed as part of any judicial or administrative enforcement action as provided for in this Chapter.
- D. Code Enforcement fees collected pursuant to this Chapter shall not be duplicated in any other action to recover these identical costs.
- E. The failure of any Responsible Person to receive notice of the code enforcement fees shall not affect the validity of any fees imposed under this Chapter.

Section 1.10.100 Collection of reinspection fee.

The City shall collect the assessed code enforcement and late fees by the use of all appropriate legal means, including but not limited to: referral to the Finance Department for collection or assessment against the property.

Article II - NOTICE OF VIOLATION

Section 1.10.110 Notice of violation; procedures.

Whenever it is determined that a violation of this Code, adopted Uniform Codes or applicable state codes exists, the Director, the Community Improvement Officer or other duly authorized agent may issue a Notice of Violation to the Responsible Person(s). The Notice of Violation shall include the following information:

- A. The name of the Responsible Party;
- B. The name of the owner, if different from the Responsible Person;
- C. Street address of the property at issue;
- D. The code sections in violation;
- E. A description of the conditions which violates the applicable codes;
- F. A list of necessary corrections to bring the property into compliance;
- G. A deadline or specific date to correct the violations listed in the Notice of Violation;
- H. A list of the potential consequences for failure to comply with the Notice including, but not limited to: criminal prosecution, civil injunction, administrative abatement, administrative citations, civil penalties, revocation of permits, recordation of the Notice of Violation and withholding of future municipal permits.

Section 1.10.120 Service of notices.

Whenever any notice is required to be given under this Code, the notice shall be served in the following manner unless a different procedure is specifically stated to apply:

- A. Personal service or certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice shall be sent by regular mail to the Responsible Person. If a notice that is sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail.
- B. Posting the notice conspicuously on or in front of the subject property.
- C. Mailings to the Property Owner shall be sent to the address listed in the last equalized assessment roll of the San Joaquin County Assessor.
- D. In the event the Responsible Person is someone other than the Property Owner, a copy of the notice shall also be mailed to the Property Owner.

Service by certified or regular mail in the manner described above shall be effective on the date of mailing.

The failure of any person with an interest in the subject property to receive any notice served in accordance with this section shall not affect the validity of any proceedings taken under this Chapter.

The notice requirements in this section do not apply to initial Notices of Violation, Courtesy Notices, which may be sent by regular mail. Service of a Courtesy Notice by regular mail is effective on the date of mailing.

Section 1.10.130 Proof of notice.

Proof of giving any notice may be made by the certificate of any officer or employee of the City, or by affidavit of any person over the age of eighteen years, which shows service in conformity with this Chapter, or other provisions of law applicable to the subject matter concerned.

Section 1.10.140 Recordation of notices of violation; purpose.

The City Council finds that there is a need to give notice of pending enforcement actions to persons who may subsequently acquire the property as a means by which to ensure the violations will be corrected. An appropriate method to accomplish this is through the issuance and recordation of Notices of Violation. The procedures established in this Chapter shall be in addition to criminal, civil, or any other remedy established by law which may be pursued to address violations of this Code or applicable state codes.

Section 1.10.150 Procedures for recordation.

- A. Once a Director has issued a Notice of Violation to a Responsible Person and the property remains in violation after the deadline established in the Notice of Violation, the Director may record the Notice of Violation with the San Joaquin County Recorder's Office.
- B. Before recordation, a Director shall provide to the Responsible Person a Notice of Intent to Record stating that a Notice of Violation will be recorded unless a written request to appeal this action is received pursuant to the procedures outlined in this Chapter. The letter shall be served in accordance with the methods set forth in this Chapter.
- C. If a written request to appeal is not received within the time frame specified, the Director may thereafter cause the Notice of Violation to be recorded, if the violations remain.
- D. The recorded Notice of Violation shall include the name of the Property Owner, the assessor's parcel number, the street address, the parcel's legal description, and a copy of the latest Notice of Violation.
- E. Any costs associated with recording or removal of the Notice of Violation may be assessed against the property as provided for in this Chapter.

Section 1.10.160 Service of notice of violation.

A copy of the recorded Notice of Violation shall be mailed to the Responsible Person and to the Property Owner and/or any other persons who have requested copies of such Notices pursuant to any of the methods of service set forth in this Chapter.

Section 1.10.170 Procedures to appeal recordation.

- A. An appeal of the Director's Notice of Intent to Record the Notice of Violation shall follow the procedures set forth in this Chapter.
- B. Upon receiving a written appeal, the Director shall schedule a hearing pursuant to the procedures set forth in this Chapter. The purpose of the hearing is for the Responsible Person or Property Owner to state any reasons why a Notice of Violation should not be recorded.
- C. The failure of any person to file an appeal in accordance with these provisions shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded Notice of Violation.

Section 1.10.180 Appeal hearing; recordation of notice.

- A. At the appeal hearing, the Hearing Officer shall only consider evidence that is consistent with the City Attorney's rules and procedures for administrative hearings, and that is relevant to the following issues:
 - 1. Whether the conditions listed in the Notice of Violation violate the this Code or applicable state codes; and
 - 2. Whether the Director afforded the Responsible Person with due process by adhering to the notification procedures specified in this Chapter.
- B. If the Hearing Officer affirms the Director's decision, the Director may proceed to record the Notice of Violation.
- C. If the Hearing Officer determines that recordation is improper, the Hearing Officer shall invalidate the Director's decision to record the Notice of Violation.

Section 1.10.190 Notice of compliance; removal procedures.

- A. When the violations listed on the Notice of Violation have been corrected, the Responsible Person or Property Owner may file with the Director a written request for a Notice of Compliance on a form provided by the City.
- B. Once the Director receives this request, the Director shall reinspect the property within ten (10) days from receipt of the request to determine whether the violations listed in the Notice of Violation have been corrected and whether all necessary permits have been issued and final inspections have been performed.
- C. The Director shall provide a Notice of Compliance to the Responsible Person or Property Owner if the Director determines that:
 - 1. all violations listed in the recorded Notice of Violation have been corrected; and
 - 2. all necessary permits have been issued and finalized; and
 - 3. all administrative fines or civil penalties have been paid; and
 - 4. the party requesting the issuance of the Notice of Compliance has paid an administrative fee to reimburse the City for all administrative costs.

D. Administrative costs may include costs incurred in the investigation, inspection, reinspection, title search, appeal hearing, and any other processing costs associated with the violations specified on the Notice of Violation.

E. If the Director denies a request to issue a Notice of Compliance, the Director shall serve the requesting party, the Responsible Person and the Property Owner with a written explanation within five (5) days from the inspection setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in this Chapter

F. The Director's decision denying a request to issue a Notice of Compliance constitutes the final decision in the matter and is not appealable.

Section 1.10.200 Prohibition against issuance of municipal permits.

For properties where a Notice of Violation has been recorded, the City may withhold permits for repair, construction and/or alteration on the affected property until a Notice of Compliance has been issued by the Director. The City may not withhold permits which are necessary to obtain a Notice of Compliance or which are necessary to correct serious health and safety violations.

Section 1.10.210 Cancellation of recorded notice of violation.

The Director shall record or cause to be recorded the Notice of Compliance with the San Joaquin County Recorder's Office. The recordation of the Notice of Compliance shall have the effect of canceling the recorded Notice of Violation.

Article III - ADMINISTRATIVE CITATIONS

Section 1.10.220 Administrative citations; authority.

A. Any person violating any provisions of this Code, adopted Uniform Codes or applicable state code may be issued an Administrative Citation by a Community Improvement Officer as provided in this Chapter.

B. Each and every day a violation of this Code, adopted Uniform Codes or applicable state code exists constitutes a separate and distinct offense.

C. An administrative fine shall be assessed by means of an Administrative Citation issued by the Community Improvement Officer and shall be payable directly to the City unless otherwise noted on the Citation.

D. Fines assessed by means of an Administrative Citation shall be collected in accordance with the procedures specified in this Chapter.

Section 1.10.230 Administrative citations; procedures.

A. Upon discovering any violation of this Code, adopted Uniform Codes or applicable state

codes, a Community Improvement Officer may issue an Administrative Citation to a Responsible Person in the manner prescribed in this Chapter. The Administrative Citation shall be issued on a form approved by the City Attorney.

B. If the Responsible Person is a commercial business, the Community Improvement Officer shall attempt to locate the business owner and issue the business owner an Administrative Citation. If the Code Enforcement Officer can only locate the manager of the commercial business, the Administrative Citation may be given to the manager of the business. A copy of the Administrative Citation shall also be mailed to the business owner or Responsible Person in the manner prescribed in this Chapter.

C. The Administrative Citation shall be signed by the issuing Code Enforcement Officer.

D. Method of Service.

1. Signature. Once the Responsible Person is located, the Code Enforcement Officer shall attempt to obtain the signature of that person on the Administrative Citation. However, if the Responsible Person refuses or fails to sign the Administrative Citation, it shall not affect the validity of the citation and subsequent proceedings.

2. If the Community Improvement Officer is unable to locate the Responsible Person, then the Administrative Citation shall be mailed to the Responsible Person in the manner prescribed in this Chapter.

3. Posting. If no one can be located at the property, then the administrative citation shall be posted in a conspicuous place on or near the property and a copy subsequently mailed to the Responsible Person in the manner prescribed by this Chapter.

E. A copy of the Administrative Citation shall thereafter be mailed to the Responsible Person and to the owner of the property if different from the Responsible Person in the manner prescribed by this Chapter. The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Chapter.

Section 1.10.240 Contents of administrative citation.

Any Administrative Citation that is issued shall contain all of the following information:

A. The date and location of the violations and the approximate time the violations were observed;

B. The code sections violated and a brief description of how the sections are violated;

C. Where appropriate, the action required to correct the violations;

D. Set forth a deadline by which the violations must be corrected and the consequences of failing to comply;

E. The amount of fine imposed for the violations, if any;

F. An explanation as to how the fine shall be paid and the time period by which it shall be

paid, and the consequences of failure to pay the fine; and

G. Identify all rights and procedures of appeal.

Section 1.10.250 Appeal of administrative citation.

An appeal from the issuance of an Administrative Citation shall follow the procedures set forth in this Chapter.

Section 1.10.260 Fines for administrative citations.

A. If the Responsible Person fails to correct the violation, subsequent Administrative Citations may be issued for the same violations. The amount of the fine shall increase at a rate specified in subsection (B) below.

B. The fines assessed for each Administrative Citation issued for the same violations shall be as follows:

- | | |
|---|----------|
| 1. First Administrative Citation: | \$100.00 |
| 2. Second Administrative Citation: | \$250.00 |
| 3. Third and subsequent Administrative Citation(s): | \$500.00 |

C. Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the City.

D. All fines assessed shall be payable to the City of Lodi, unless otherwise directed on the citation.

E. The Community Development Director is authorized, under direction and upon approval of the City Attorney, to establish policies and procedures for the certification, decertification and conduct of the Community Awareness and Responsibility Education Classes, to establish that persons receiving a fine under an Administrative Citation have the option of attending a certified Community Awareness and Responsibility Education Class prior to the citation becoming delinquent in lieu of paying the fine. A person may not use this option more than once in any twelve (12)-month period.

F. For all delinquent, unpaid Administrative Citation fines there shall be a penalty imposed in the amount of ten percent (10%) of the citation fine amount, and an additional one percent (1%) per month of the total amount of such fine for each month during the time that said fine remains unpaid after its delinquency date. The delinquency date for an Administrative Citation fine shall be sixty (60) days following the imposition of the fine, or the appeal determination of the Administrative Hearing Officer, whichever is later.

Section 1.10.270 Failure to pay administrative citation fine.

The failure of any person to pay the fines assessed by an Administrative Citation within the time

specified on the Citation may result in the Director referring the matter to the Finance Department or other designated agent for collection. Alternatively, the Director shall pursue any other legal remedy to collect the fines including, but not limited to, those remedies provided in Title 1, Chapter 1.08 of this Code.

Section 1.10.280 Allocation of administrative citation fines.

Administrative fines collected pursuant to this Article shall be deposited into the Special Revenue Fund.

Article IV - ABATEMENT

Section 1.10.290 Abatements; declaration of purpose.

The City Council finds that it is necessary to establish appropriate procedures for the administrative and summary abatement of public nuisances and code violations. The procedures established in this Chapter are in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address violations of this Code or applicable state codes. This Chapter governs all other nuisance abatement procedures established in other chapters of this Code unless other procedures are specifically stated to apply.

Section 1.10.300 Authority.

Any condition caused, maintained or permitted to exist in violation of any provisions of this Code or an applicable state code which constitutes a public nuisance may be abated by the City pursuant to the procedures set forth in this Article.

Section 1.10.310 General procedures.

A. Abatement Notice

1. Whenever the Director determines that public or private property or any portion of public or private property is a public nuisance as generally defined in Section 15.30.030 or as declared in any other specific section of this Code, including adopted Uniform Codes, or applicable state codes, an Abatement Notice may be issued to the Responsible Person to abate the public nuisance.

2. The Abatement Notice shall contain a description of the subject property in general terms reasonably sufficient to identify the location of the property. It shall refer to specific sections of this Code, adopted Uniform Codes or applicable state code violations which render the property a public nuisance.

3. The Abatement Notice shall describe the action required to abate the public nuisance which may include, but is not limited to: corrections, repairs, demolition, removal, obtaining the necessary permits, vacation of tenants or occupants or other appropriate action and shall establish time frames by which each action must occur.

4. The Abatement Notice shall explain the consequences should the Responsible Person fail to comply with the terms of the notice.

5. The Abatement Notice shall identify all applicable hearing and appeal rights.

B. Service of Abatement Notice

1. The Abatement Notice shall be served by any of the methods of service listed in this Chapter.

Section 1.10.320 Abatement of a public nuisance by the City.

A. Once the Director follows the procedures set forth herein and the time for compliance has lapsed, if the violations remain, the nuisance conditions may be abated by City personnel or by a private contractor.

B. City personnel or a private contractor can enter upon private property in a reasonable manner as provided by law to abate the nuisance conditions as specified in the Abatement Notice or Abatement Order.

C. If the Responsible Person abates the nuisance conditions before the City performs the actual abatement pursuant to an Abatement Notice or Abatement Order, the Director may still assess all costs incurred by the City against the Responsible Person pursuant to the procedures set forth herein.

D. When abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Director. The report shall contain the names and addresses of the Responsible Persons of each parcel, the name and address of the Property Owner if different from the Responsible Person, the tax assessor's parcel number and a legal description of the property if the Responsible Person is an owner.

E. The Director shall schedule a confirmation of costs hearing before an Administrative Hearing Officer pursuant to the procedures set forth in this Chapter, unless waived in writing by all Responsible Persons.

F. All administrative and actual costs incurred by the city in abating the violations may be assessed and recovered against the Responsible Person pursuant to the provisions set forth in this Chapter.

Section 1.10.330 Summary abatement.

This Article governs the procedures relating to summary abatement of public nuisances.

Section 1.10.340 Authority.

Whenever the Director determines that an imminent health and safety hazard exists that requires immediate correction or elimination, the Director may exercise the following powers without prior notice to the Responsible Person:

- A. Order the immediate vacation of any tenants and prohibit occupancy of the subject property until all repairs are completed; or
- B. Post the premises as unsafe, substandard or dangerous; or
- C. Board, fence or secure the building or site; or
- D. Raze and grade that portion of the premises or site to prevent further collapse and remove any hazard to the general public; or
- E. Make any minimal emergency repairs as necessary to eliminate any imminent health and safety hazard; or
- F. Take any other action as appropriate under the circumstances.

Section 1.10.350 Procedures.

- A. The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the summary abatement process shall be assessed, collected and recovered against the Responsible Person through the procedures outlined in this Chapter.
- B. The Director may also pursue any other administrative or judicial remedy established by law to abate any remaining public nuisance.

Article V – Administrative Penalties.

Section 1.10.360 Declaration of purpose.

The City Council finds that there is a need for an alternative method of enforcement for enforcing more serious violations of this Code, adopted Uniform Codes and applicable state codes. The City Council further finds that the assessment of civil penalties through an administrative hearing procedure for code violations is a necessary alternative method of code enforcement. The administrative assessment of civil penalties is in addition to any other administrative or judicial remedy established by law which may be pursued by City to address

serious violations of this Code, adopted Uniform Codes or applicable state codes.

Section 1.10.370 Authority.

- A. Any person violating any provision of this Code, adopted Uniform Codes or applicable state code may be subject to the assessment of civil penalties pursuant to the administrative procedures provided in this Chapter.
- B. Each and every day a violation of any provision of this Code or applicable state code exists constitutes a separate and distinct violation.
- C. Civil penalties may be directly assessed in conjunction with a Notice and Order issued by the Director, or affirmed by a Hearing Officer. Civil penalties assessed shall be collected in accordance with the procedures specified in this Chapter.
- D. Civil penalties for violations of any provision of this Code, adopted Uniform Codes or applicable state codes shall be assessed at a daily rate determined by the Director or Hearing Officer pursuant to the criteria listed in this Chapter. Except as authorized pursuant to State and Federal laws, the maximum civil penalty shall be \$1,000 per violation per day with the maximum amount of civil penalties not exceeding \$100,000 per parcel or structure for any related series of violations occurring within the twelve-month period immediately proceeding the latest violation.

Section 1.10.380 Procedures; issuance of notice and order.

- A. Whenever the Director determines that a violation of one or more provisions of this Code, adopted Uniform Codes or applicable state codes has occurred or continues to exist, a civil penalty may be issued in conjunction with a Notice and Order to the Responsible Person.
- B. The Notice and Order shall refer to all code sections violated and describe how each section is or has been violated.
- C. The Notice and Order shall refer to the dates and locations of the violations.
- D. The Notice and Order shall address the action required to correct the outstanding violations and establish time frames for completion.
- E. The Notice and Order shall establish a daily amount of civil penalties. The Director shall determine the daily amount of civil penalties pursuant to the criteria in set forth in this Article.
- F. The Notice and Order shall identify a date when the civil penalties began to accrue and a date when the assessment of civil penalties ended, unless the violation is continuous. In the case of a continuous violation, there shall be an ongoing assessment of penalties at the daily rate established in the Notice and Order until the violations are corrected.
- G. If a Director determines that the violations are continuing, the Notice and Order shall demand that the Responsible Person cease and desist from further action causing the violations, or take affirmative action to cease from maintaining or permitting the violation to exist, and commence and complete all action to correct the outstanding violations under the guidance

of the appropriate City Departments.

H. The Notice and Order shall enumerate any other consequences should the Responsible Person fail to comply with the terms and deadlines as prescribed in the Notice and Order.

I. The Notice and Order shall identify appropriate hearing procedures as required by this Chapter.

J. The Notice and Order shall be served upon the Responsible Person by any one of the methods of service listed in this Chapter.

K. The Notice and Order shall identify the factors used by the Director in determining the duration and the daily amount of civil penalties.

L. More than one Notice and Order may be issued against the same Responsible Person if it encompasses either different dates or different violations.

Section 1.10.390 Determination of civil penalties.

A. In determining the date when civil penalties started to accrue, a Director may consider the date when the Department first discovered the violations as evidenced by the issuance of a Notice of Violation or any other written correspondence.

B. The assessment of civil penalties shall end when all action required by the Notice and Order has been completed.

C. In determining the amount of the civil penalty to be assessed on a daily rate, the Director may consider some or all of the following factors:

1. The duration of the violation.
2. The frequency or recurrence of the violation.
3. The seriousness of the violation.
4. The history of the violation.
5. The Responsible Person's conduct after issuance of the Notice and Order.
6. The good faith effort by the Responsible Person to comply.
7. The economic impact of the penalty on the Responsible Person.
8. The impact of the violation upon the community.
9. Any other factors that justice may require.

Section 1.10.400 Recovery of civil penalties

The Director may collect all civil penalties and related administrative costs by the use of all appropriate legal means, including, but not limited to, the recordation of a Code Enforcement Lien pursuant to the procedures set forth in this Chapter. If unable to collect the obligation, the Director may refer the obligation to the City Attorney to file a court action to recover these penalties and costs.

Section 1.10.410 Cancellation of code enforcement lien.

Once payment in full is received for the outstanding civil penalties and costs or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Director shall, within ten (10) days from the date payment is made or decision is final, record a Notice of Satisfaction with the San Joaquin County Recorder's Office. The Notice of Satisfaction shall include the same information as provided for in the original Code Enforcement Lien. Such Notice of Satisfaction shall cancel the Code Enforcement Lien.

Section 1.10.420 Administrative costs.

The Director or Hearing Officer is authorized to assess any reasonable administrative costs. Administrative costs may include scheduling and processing of the hearing and all subsequent actions.

Section 1.10.430 Failure to comply with notice and order.

The Director shall request the City Attorney to appoint a Hearing Officer and the Director shall establish a date, time and place for the civil penalties hearing in accordance with this Chapter when the Responsible Person fails to comply with the terms of the Notice and Order. Failure to comply includes failure to pay the assessed civil penalties, failure to commence and complete corrections by the established deadlines or failure to refrain from continuing violations of this Code, adopted Uniform Codes or applicable state codes.

Section 1.10.440 Civil penalties hearing.

- A. The procedures for the civil penalties hearing are the same as the hearing procedures set forth in this Chapter.
- B. The Hearing Officer shall only consider evidence that is relevant to the following issues: (1) whether the Responsible Person has caused or maintained a violation of this Code or applicable state code that existed on the dates specified in the Notice and Order; and (2) whether the amount of civil penalties assessed by the Director pursuant to the procedures and criteria outlined in this Chapter was reasonable.

Article VI – Administrative Hearings

Section 1.10.450 Administrative hearing procedures.

These sections establish the procedures for the use of Administrative Hearing Officers and the procedures governing administrative hearings.

- A. Qualifications of Administrative Hearing Officer. The City Attorney shall promulgate rules and procedures as are necessary to establish a list of qualified persons who are capable of acting on behalf of the City as Hearing Officers.
- B. Appointment of Administrative Hearing Officer. Hearing Officers presiding at administrative hearings shall be appointed by the City Attorney and compensated by the City. The City Attorney shall develop policies and procedures relating to the appointment and

compensation of Hearing Officers.

C. Disqualification of Hearing Officer. Any person designated to serve as a Hearing Officer is subject to disqualification for bias, prejudice, interest, or for any other reason for which a judge may be disqualified in a court of law. Rules and procedures for the disqualification of a Hearing Officer shall be promulgated by the City Attorney.

D. Powers of Hearing Officer.

1. The Hearing Officer may continue a hearing based on good cause shown by one of the parties to the hearing or if the Hearing Officer independently determines that due process has not been adequately afforded.

2. The Hearing Officer, upon receipt of a written request which is submitted no later than five (5) days before the hearing, shall subpoena witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees shall be borne by the party requesting the subpoena. The City Attorney shall develop policies and procedures relating to the issuance of subpoenas in administrative hearings, including the form of the subpoena and related costs.

3. The Hearing Officer has continuing jurisdiction over the subject matter of an administrative hearing for the purposes of granting a continuance, ensuring compliance with an Administrative Order, modifying an administrative order, or where extraordinary circumstances exist granting a new hearing.

4. The Hearing Officer has the authority to require the Responsible Person to post a code enforcement performance bond to ensure compliance with an Administrative Order.

E. Failure to Obey Subpoena. It is unlawful for any person to refuse to obey a subpoena issued by a Hearing Officer.

Section 1.10.460 Procedures for requesting an appeals hearing.

A. A person served with one of the following documents, order or notices may file an appeal within ten (10) calendar days from the service of the notice:

1. Any civil penalty notice and order issued;
2. An administrative citation issued pursuant to this Chapter;
3. An application for a waiver of fees.

B. The appeal shall be made in writing stating the grounds for the appeal and filed with the Director on or before the tenth day after service.

Section 1.10.470 Procedures for notification of administrative hearing.

A. Where an administrative remedy or proceeding provides for an appeal procedure, the Director shall request the City Attorney to appoint a Hearing Officer and to schedule a day, time

and a place for the hearing.

B. Written notice of the time and place of the hearing shall be served at least ten (10) calendar days prior to the date of the hearing to the Responsible Person.

C. The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the City Attorney.

D. The notice of hearing shall be served by any of the methods of service listed in this Chapter.

Section 1.10.480 Procedures at administrative hearing.

A. Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply. The procedure and format of the administrative hearing shall follow the procedures promulgated by the City Attorney.

B. The City bears the burden of proof at an administrative hearing to establish the existence of a violation of this Code, adopted Uniform Codes or applicable state codes.

C. The standard of proof to be used by the Hearing Officer in deciding the issues at an administrative hearing is by a preponderance of the evidence.

D. Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his case.

Section 1.10.490 Failure to attend administrative hearing.

Any Responsible Person who requests a hearing or whose actions are the subject of an administrative hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and the adjudication of the issues related to the hearing, provided that the hearing was properly noticed.

Section 1.10.500 Administrative order.

A. The decision of the Hearing Officer shall be entitled "Administrative Order" and shall be issued in accordance with this Chapter and the rules and procedures promulgated by the City Attorney.

B. Once all evidence and testimony are completed, the Hearing Officer shall issue an Administrative Order which affirms, modifies or rejects the Director's action. In the case of a notice and order of civil penalty, the Administrative Order may affirm, modify or reject the daily rate or duration of the civil penalties depending upon the review of the evidence and may increase or decrease the total amount of civil penalties and costs assessed.

C. The Hearing Officer may issue an Administrative Order that requires the Responsible Person to cease from violating this Code, adopted Uniform Codes or applicable state codes and to make necessary corrections within a specific time frame.

D. As part of the Administrative Order, the Hearing Officer may establish specific deadlines for the payment of penalties and costs and condition the total or partial assessment of civil penalties on the Responsible Person's ability to complete compliance by specified deadlines.

E. The Hearing Officer may issue an Administrative Order which imposes additional civil penalties that will continue to be assessed until the Responsible Person complies with the Hearing Officer's decision and corrects the violation.

F. The Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Administrative Order.

G. The Administrative Order shall become final on the date of service of the Order.

H. The Administrative Order shall be served on all parties by any one of the methods listed in this Chapter.

Section 1.10.510 Judicial review.

Once an Administrative Order becomes final as provided in this Chapter, the time in which judicial review of the order must be sought shall be governed by California Code of Civil Procedure Section 1094.6 or as may be amended hereafter.

Section 1.10.520 Failure to comply with the administrative order misdemeanor.

A. After the Hearing Officer issues an Administrative Order, the Director shall monitor the violations and determine compliance.

B. Upon the failure of the Responsible Person to comply with the terms and deadlines set forth in the Administrative Order, the Director may use all appropriate legal means to recover the civil penalties, administrative costs and obtain compliance with the Administrative Order, including seeking an injunction.

C. Failure to comply with an Administrative Order constitutes a misdemeanor.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

SECTION 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

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SECTION 5. This ordinance or a summary thereof as may be permitted by law shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall take effect thirty days from and after its passage and approval.

Approved this ____ day of April, 2006

SUSAN HITCHCOCKJOHN BECKMAN
Mayor

Attest:

SUSAN J. BLACKSTON
City Clerk

=====
State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held April ____, 2006, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held April ____, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES; COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney

By _____
Janice D. Magdich
Deputy City Attorney

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE BY REPEALING CHAPTER 2.34 ADMINISTRATIVE PROCEDURES FOR ADMINISTRATIVE PROCEEDINGS IN ITS ENTIRETY; REPEALING AND REENACTING SECTION 3.01.460 BUSINESS TAX CERTIFICATION - "ENFORCEMENT"; REPEALING AND REENACTING SECTION 10.56.020 (J), (K), (L)-(1) REMOVAL OF VEHICLES - "REMOVAL FROM PRIVATE PROPERTY"; REPEALING AND REENACTING CHAPTER 15.24 "HOUSING CODE" SECTIONS 15.24.30- 15.24.70, AND SECTIONS 15.24.090- 15.24.100; REPEALING AND REENACTING SECTIONS 15.28.030, 15.28.070, 15.28.080, 15.28.090, 15.28.100, 15.28.120, 15.28.140 ABATEMENT OF DANGEROUS BUILDINGS CODE; REPEALING SECTIONS 15.30.040 - 15.30.220 AND REENACTING SECTIONS 15.30.040-15.30.060 RELATING TO PROPERTY MAINTENANCE AND THE DESIGNATION OF CERTAIN KINDS OF NUISANCES; AND AMENDING CHAPTER 15.31 - WEED AND REFUSE ABATEMENT BY ADDING SECTIONS 15.31.150 - 15.31.170

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

Section 1. Lodi Municipal Code Chapter 2.34 "Administrative Procedures for Administrative Proceedings" is hereby repealed in its entirety.

Section 2. Lodi Municipal Code Section 3.01.460 "Enforcement" is hereby repealed and reenacted to read as follows:

- A. Duties of the Finance Director. It shall be the duty of the finance director to enforce each and all of the provisions of this chapter. For purposes of such enforcement, the finance director and finance technicians (or equivalent position as it may be renamed from time to time) are "officers" who may issue citations to violators of this chapter pursuant to Chapter 1.10 of this code.
- B. Inspections. The finance director, in the exercise of the duties imposed by the provisions of this section, and acting through deputies of duly authorized assistants, shall have the right to enter and examine all places of business free of charge during normal business hours to ascertain whether the provisions of this chapter are being complied with.
- C. Penalty for Violation. Any person who shall violate any of the provisions of this chapter shall be subject to enforcement and penalty provisions set forth in Chapter 1.10 of this code.

Section 3. Lodi Municipal Code Section 10.56.020 (J), (K), (L)-(1) "Removal from Private Property" is hereby repealed and reenacted to read as follows:

- J. Public Hearing. Upon request by the owner of the vehicle or owner of the land, received by the community development director within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held in accordance with the provisions of Chapter 1.10 of this code on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land within such ten-day period, said statement shall be construed as a request for a hearing, which does not require the owner's presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing, to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that

identification numbers are not available to determine ownership. If such a request for hearing is not received within said ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

K. Public Hearing by Administrative Hearing Officer

1. All hearings under this chapter shall be held before the Administrative Hearing Officer in accordance with Section 1.10 of this Code, who shall hear all facts and testimony he/she deems pertinent. Such facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the private property or public property. The Administrative Hearing Officer shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for such denial.
2. The Administrative Hearing Officer may impose such conditions and take such other action he/she deems appropriate under the circumstances to carry out the purpose of this chapter. The Administrative Hearing Officer may delay the time for removal of the vehicle or parts thereof if, in his/her opinion, the circumstances justify it. At the conclusion of the public hearing, the Administrative Hearing Officer may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.
3. If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that the owner has not subsequently acquiesced in its presence, the Administrative Hearing Officer shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.
4. If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his/her land but does not appear, or if an interested party makes a written presentation to the Administrative Hearing Officer but does not appear, the owner or interested party shall be notified in writing of the decision.

L. Appeal to Council.

1. Any interested party may appeal the decision of the Administrative Hearing Officer in accordance with the provisions of Chapter 1.10 of this Code.

Section 4. Lodi Municipal Code Section 15.04.060 "Violation-Misdemeanor" is hereby amended by adding Section (C), and shall read as follows:

C. Any person who shall violate any of the provisions of this chapter shall be subject to enforcement and penalty provisions set forth in Chapter 1.10 of this code.

Section 5. Lodi Municipal Code Chapter 15.24 "Housing Code" Sections 15.24.30 – 15.24.70, Sections 15.24.90 - 15.24.100 are hereby repealed and reenacted to read as follows:

Section 15.24.030 - Section 401 amended – Definitions

Section 401, Definitions, of the Uniform Housing Code, 1997 Edition, adopted by Section

15.24.010, is amended as follows:

A. Add to subparagraph “Board of Appeals” to read as follows:

Whenever in this Code reference is made to the “Board of Appeals,” “Appeals Board,” or “Housing Advisory Board,” it shall mean the Administrative Hearing Officer.

B. Add subparagraph “Building Officials” to read as follows:

Whenever in this Code reference is made to the “Building Official” it shall mean the legally designated Chief Building Inspector or Community Improvement Manager of the City of Lodi or his authorized representative.

C. Change subparagraph “Health Officers” to read:

Whenever in this Code reference is made to the “City Health Officer” or “Health Officer” it shall mean the legally designated Director of the San Joaquin County Environmental Health Division or his authorized representative.

D. Add subparagraph “Fire Marshal” to read as follows:

Whenever in this Code reference is made to the “City Fire Marshal” or “Fire Marshal” it shall mean the Fire Marshal of the City of Lodi or his authorized representative.

Section 15.24.040 - Sections 1201.1, 1201.2 and 1201.3 amended – Appeal to Administrative Hearing Officer

Sections 1201.1, 1201.2 and 1201.3 of the Uniform Housing Code, 1994 Edition, adopted by Section 15.24.010, are amended to read as follows:

Section 1201. Appeal to Administrative Hearing Officer

Any person aggrieved by any order of the Building Official hereunder to repair, vacate and repair, or demolish any building or structure, or portion thereof, may appeal such order to the Administrative Hearing Officer. The appeal, which shall be in writing and which shall state the substance of the order appealed from, shall be submitted to the Administrative Hearing Officer within ten (10) days from the date of personal service or mailing of the order which is being appealed. The Administrative Hearing Officer shall set the matter for hearing. Notice of the date, hour and place of hearing shall be posted and served at least ten (10) days before the date set for the hearing in the manner and upon the persons specified in Sections 1101.3, 1101.4 and 1101.5. The notice shall order all interested parties who desire to be heard to appeal and show cause, if any they have, why the building or structure, or portion thereof, involved in the proceedings should not be repaired, vacated and repaired, or demolished.

Section 15.24.050

Section 1205 of the Uniform Housing Code, 1994 Edition, adopted by Section 15.24.010, is added to read as follows:

Hearing before Administrative Hearing Officer. At the time stated in the notice, the Administrative Hearing Officer shall hold a hearing, and hear and consider any evidence offered by the Building Official, owner, occupant or person in charge and in control, mortgagee or beneficiary under any deed of trust, lessee, or any other persons having any estate or interest in said building or structure, pertaining to the matters set forth in the Notice to Repair, Vacate and Repair or Demolish. Upon the conclusion of the hearing, the Administrative Hearing Officer shall render its decision.

Section 15.24.060 - Section 1206 added – Order of the Administrative Hearing Officer

Section 1206 of the Uniform Housing Code, 1997 Edition, adopted by Section 15.24.010, is added to read as follows:

Order of the Administrative Hearing Officer. If, from a full and fair consideration of the evidence and testimony received at the hearing, the Administrative Hearing Officer shall determine that the building or structure, or any portion thereof, is unsafe and a public nuisance, then it shall overrule the appeal and issue an order certified by the City Clerk:

1. That the building or structure must be repaired, vacated and repaired, or demolished;
2. That the occupant, lessee, or other person in possession must vacate said building or structure, or that he may remain in possession while repairs are being made;
3. That any mortgagee, beneficiary under a deed of trust, or any other persons having a interest or estate in the said building or structures may, at his own risk, repair, vacate and repair, or demolish it.

The order shall (i) set forth the information required in Section 1101.2; (ii) contain a statement of the particulars that render the building or structure unsafe and a public nuisance; and (iii) contain a statement of the things required to be done. The order shall specify (i) the time within which the work required must be commenced, which shall be not less than ten days after the issuance of the order, and (ii) a reasonable time within which the work shall be completed.

Section 15.24.070 – Section 1207 added – Serving and Posting of Order of Administrative Hearing Officer

Section 1207 of the Uniform Housing Code, 1997 Edition, adopted by Section 15.24.010, is added to read as follows:

Serving and Posting of Order of Administrative Hearing Officer. Copies of the order of the Administrative Hearing Officer shall be posted on the building or structure involved and served involved and served in the manner and upon the persons specified in Section 1101.3, 1101.4 and 1101.5.

Section 15.24.090 – Sections 1501.1 and 1501.2 amended – Sale, Repair or Demolition

Sections 1501.1 and 1501.2 of the Uniform Housing Code, 1997 Edition, adopted by Section 15.24.010, are amended to read as follows:

Section 1501. Sale, Repair or Demolition. Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been complied with within the time set by the Building Official, or by the Administrative Hearing Officer, whether under appeal or not, the Administrative Hearing Officer shall have the power, in addition to any other remedy herein provided, to:

1. Cause the material of any such building or structure to be sold in any manner that the Administrative Hearing Officer may determine upon; provided, however, that any such sale shall be upon condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned. The Administrative Hearing Officer may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structures, over and above the cost of demolition and of cleaning the site shall be retained to be distributed to the parties or persons lawfully entitled thereto.
2. Cause the building or structure to be repaired or demolished. The cost thereof shall be assessed against the property upon which the particular building or structure is located or the

Repair and Demolition Fund. The repair of any building or structure, or sale of the materials thereof, shall be by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition work and to the highest and best bidder in the case of the sale of material.

Arrangements, as prescribed by the Administrative Hearing Officer in this section, preparing for the repair, demolition, or sale of materials, of or from any structure discussed in this Code shall be the responsibility of the Building Official. However, no such arrangements nor other work to that end shall be initiated prior to specific instructions from the Administrative Hearing Officer indicating such action.

15.24.100 – Violations – Penalty

- A. No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to, or in violation of, any of the provisions of this housing code.
- B. Any person, firm or corporation violating any provision of this code shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by the governing laws of the jurisdiction. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense.

C. Any person who shall violate any of the provisions of this chapter shall be subject to enforcement and penalty provisions set forth in Chapter 1.10 of this code.

Section 6. Lodi Municipal Code Chapter 15.28 – Dangerous Building Code Sections 15.28.030, 15.28.070, 15.28.080, 15.28.090, 15.28.100, 15.28.120, 15.28.140 are hereby repealed and reenacted to read as follows:

Section 15.28.030 – Section 303 added – Board of Appeals

Section 303, Board of Appeals, is added to the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, adopted by Section 15.28.010, as follows:

Whenever in this Code reference is made to the “Board of Appeals” it shall mean the Administrative Hearing Officer of the City of Lodi.

Section 15.28.070 – Section 501.1, 501.2 and 501.3 added – Appeal to Administrative Hearing Officer

Section 501.1, 501.2 and 501.3 of the Uniform Code for the Abatement of Dangerous Buildings, 1994 Edition, adopted by Section 15.28.010, is added to read as follows:

Section 501 Appeal to Administrative Hearing Officer.

Any person aggrieved by any order of the Building Official hereunder to repair, vacate and repair, or demolish any building or structure, or portion thereof, may appeal such order to the Administrative Hearing Officer. The appeal which shall be in writing and which shall state the substance of the order appealed from, shall be submitted to the Administrative Hearing Officer within ten (10) days from the date of personal service or mailing of the order which is being appealed. The Administrative Hearing Officer shall set the matter for hearing. Notice of the date, hour and place of the hearing shall be posted and served at least ten (10) days before the date set for the hearing in the manner and upon the person specified in Section 401.3, 401.4 and 401.5. The notice shall order all interested parties who desire to be heard to appear and show cause, if any they have, why the building or structure, or portion thereof, involved in the proceedings should not be repaired, vacated and repaired or demolished.

Section 15.28.080 – Section 505 amended – Hearing Before Administrative Hearing Officer.

Section 505 of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, adopted by Section 15.28.010, is amended to read as follows:

Hearing Before Administrative Hearing Officer. At the time stated in the notice, the City Council shall hold a hearing, and hear and consider any evidence offered by the Building Official, owner, occupant or person in charge and control, mortgagee or beneficiary under any deed of trust, lessee, or any other person having any estate or interest in said building or structure, pertaining to the matters set forth in the Notice to Repair, Vacate and Repair, or Demolish. Upon the conclusion of the hearing, the Administrative Hearing Officer shall render its decision.

Section 15.28.090 – Section 506 amended – Order of Administrative Hearing Officer.

Section 506 of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, adopted by Section 15.28.010, is amended to read as follows:

Order of Administrative Hearing Officer. If, from a full and fair consideration of the evidence and testimony received at the hearing, the Administrative Hearing Officer shall determine that the building or structure, or any portion thereof, is unsafe and a public nuisance, then it shall overrule the appeal and issue an order certified by the City Clerk;

1. That the building or structure must be repaired, vacated and repaired, or demolished;
2. That the occupant, lessee, or other person in possession must vacate said building or structure, or that he may remain in possession while repairs are being made;
3. That any mortgagee, beneficiary under a deed of trust, or any other person having an interest or estate in said building or structure may, at his own risk, repair, vacate and repair, or demolish it.

The order shall (i) set forth the information required in Section 401.2 Item 1; (ii) contain a statement of the particulars that render the building or structure unsafe and a public nuisance; and (iii) contain a statement of the things required to be done. The order shall specify (i) the time within which the work required must be commenced, which shall be not less than ten days after the issuance of the order, and (ii) a reasonable time within which the work shall be completed.

Section 15.28.100 – Section 507 amended – Serving and Posting of Order of Administrative Hearing Officer

Section 507 of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, adopted by Section 15.28.010, is amended to read as follows:

Serving and Posting of Order of Administrative Hearing Officer. Copies of the order of the Administrative Hearing Officer shall be posted on the building or structure involved and served in the manner and upon the persons specified in Section 401.3, 401.4 and 401.5.

Section 15.28.120 – Section 80.1 amended – Sale, Repair or Demolition

Section 801.1 of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, adopted by Section 15.28.010, is amended to read as follows:

Section 801.1. Sale, Repair or Demolition. Whenever an order to repair, vacate and repair, or demolish any building or structure, or any portion thereof, has not been complied with within the time set by the Building Official, or by the Administrative Hearing Officer, whether under appeal or not, the Administrative Hearing Officer shall have the power, in addition to any other remedy herein

provided, to:

1. Cause the material of any such building or structure to be sold in any manner that the Administrative Hearing Officer may determine upon; provided, however, that any such sale shall be upon condition that the building or structure be forthwith demolished, the wreckage and debris thereof removed and the lot cleaned. The Administrative Hearing Officer may sell any such building singly or otherwise. Any surplus from the sale of any such building or structure, or group of buildings and structures, over and above the cost of demolition and of cleaning the site shall be retained to be distributed to the parties or persons lawfully entitled thereto.
2. Cause the building or structure to be repaired or demolished. The cost thereof shall be assessed against the property upon which the particular building or structure is located or the Repair and Demolition Fund. The repair or demolition of any building or structure, or sale of the materials thereof, shall be by a contract awarded following advertisement for bids, to the lowest and best bidder in the case of repair or demolition work and to the highest and best bidder in the case of the sale of material.

Arrangements, as prescribed by the Administrative Hearing Officer in this Section, preparing for the repair, demolition, or sale of materials, of or from any structure discussed in this Code shall be the responsibility of the Building Official. However, no such arrangements or other work to that end shall be initiated prior to specific instructions from the Administrative Hearing Officer indicating such action.

Section 15.28.140 – Violation – Penalty

- A. No person, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter.
- B. Any person, firm or corporation violating any provision of this code shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by the governing laws of the jurisdiction. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense.
- C. Any person who shall violate any of the provisions of this chapter shall be subject to enforcement and penalty provisions set forth in Chapter 1.10 of this code.

Section 7. Lodi Municipal Code Chapter 15.30 Property Maintenance and Designation of Certain Kinds of Nuisances Sections 15.30.040 – 15.30.220 are hereby repealed and Sections 15.30.040-15.30.060 are reenacted as follows:

Section 15.30.040 Declaration of Public Nuisance

Any property found to be maintained in violation of the foregoing section is declared to be a public nuisance, and shall be subject to the administrative procedures set forth in Chapter 1.10. The procedures for abatement set forth therein shall not be exclusive, and shall not, in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner.

Section 15.30.050 Alternative Actions Available

Nothing in this chapter shall be deemed to prevent the city council from ordering the commencement of a civil proceeding to abate the nuisance pursuant to applicable law or restricting the city from pursuing any other remedy available under applicable law.

Section 15.30.060 Violation – Penalty

Any person who shall violate any of the provisions of this chapter shall be subject to enforcement and penalty provisions set forth in Chapter 1.10 of this code.

Section 8. Lodi Municipal Code Chapter 15.31 – Weed and Refuse Abatement is hereby amended by adding Sections 15.31.150 – 15.31.170 and shall read as follows:

Section 15.31.150 Declaration of Public Nuisance

Any property found to be maintained in violation of the foregoing section is declared to be a public nuisance, and shall be subject to the administrative procedures set forth in Chapter 1.10. The procedures for abatement set forth therein shall not be exclusive, and shall not, in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner.

Section 15.31.160 Alternative Actions Available

Nothing in this chapter shall be deemed to prevent the city council from ordering the commencement of a civil proceeding to abate the nuisance pursuant to applicable law or restricting the city from pursuing any other remedy available under applicable law.

Section 15.31.170 Violation – Penalty

Any person who shall violate any of the provisions of this chapter shall be subject to enforcement and penalty provisions set forth in Chapter 1.10 of this code.

Section 9 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 10. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 11. This ordinance shall be published one time in the “Lodi News Sentinel,” a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Attest:

Approved this ____ day of _____, 2006.

SUSAN J. BLACKSTON
City Clerk

SUSAN HITCHCOCK
Mayor

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held April 5, 2006, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held _____, 2006, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Approve City-Sponsored Centennial Events Planned to Date and Authorize the City Manager Discretion to Consider Future Ancillary Details Associated with Said Events

MEETING DATE: April 5, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council approve City-sponsored Centennial events planned to date and authorize the City Manager discretion to consider future ancillary details associated with said events.

BACKGROUND INFORMATION: The Centennial Task Force, created and formed through the Lodi Tokay Rotary Club, and other volunteers have recommended that specific community events celebrating the City's Centennial be officially sponsored by the City of Lodi.

Centennial events planned to date that have requested City sponsorship include:

- May 26 to 29 – **"Wall Dogs"** mural painting event in downtown Lodi; and
- August 19 to 21 – **"A Heritage Celebration"** with opening ceremonies at the Lodi Train Depot, Victorian High Tea at the Lodi Woman's Club; trolley car and historical tours of Lodi; vintage car show on School Street; vintage photographic exhibit at Hotel Lodi; historic train visit; Lodi Community Band concert at Hutchins Street Square; silent movie night at The Square; and golf tournament at the Woodbridge Golf and Country Club.

Because these events are in the beginning stages of planning, it is requested that the City Manager be given discretion to consider ancillary requests associated with these events, such as one-time fee waivers for permits, rentals, etc., as well as liability insurance coverage through the City.

FISCAL IMPACT: **Liability Insurance:** Events and promotions which would require liability insurance from the City would be funded from the Special Events Insurance Account. The cost per event would range from \$150 (for a low-risk event with up to 500 attendees) to \$350 (for a high-risk event with 1,500+ attendees). Most, if not all, of the Centennial events would fall into the low-risk category.

APPROVED: _____
Blair King, City Manager

Public Works: Anticipated costs include overtime related to street closures for the “Wall Dogs” event (\$1,000) and for the “Heritage Celebration” vintage car show (\$400), as well as nominal costs for the waiver of encroachment permit fees (\$100).

Hutchins Street Square: “Wall Dogs” event – security, staff, and janitorial services (\$2,200) and waiver of fees for Cottage/Crete/Kirst Halls at the non-profit rates (\$2,150). Note that the Wall Dogs event is still in the planning stages and the actual costs may be lower, particularly if the event does not require the use of Kirst Hall. “Heritage Celebration” – security and technician services (\$400) and waiver of fees for Lange Theater at the non-profit rate (\$700).

FUNDING AVAILABLE: There is adequate funding to cover the costs described above in the Community Events Non-Departmental Account.

Ruby Paiste, Interim Finance Director

Susan J. Blackston
City Clerk

SJB/JMP

Attachments



CITY OF LODI

COUNCIL COMMUNICATION

TM

AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation (\$139,719.29).

MEETING DATE: April 5, 2006 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$139,719.29.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; and Kronick, Moskowitz, Tiedemann & Girard for services incurred relative to the Environmental Abatement Program litigation that are currently outstanding and need to be considered for payment.

Folger Levin & Kahn - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount
8001	93894	2/28/2006	General Advice/Environmental Matters	\$422.86
8002	93892	2/28/2006	People v M&P Investments	20,829.66
				(487.50)
8003	93893	2/28/2006	Hartford Insurance Coverage Litigation	78,415.21
				(3,870.00)
8008	93895	2/28/2006	City of Lodi v. Envision Law Group	15,537.08
				<u>\$110,847.31</u>

Folger Levin & Kahn - Invoices Distribution

Invoice No.	Date	Description	Total Amount
6114	01/31/06	Peter Krasnoff, Expert	\$8,385.00
12984	01/29/06	Keith O'Brien, Hydrogeologist	\$15,853.61
13018	02/26/06	Keith O'Brien, Hydrogeologist	\$900.00
			<u>\$25,138.61</u>

Kronick Moskowitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	Total Amount	Distribution	
					100351.7323	183453.7323
11233.001	224087	02/25/06	General advice	1,305.40		1,305.40
11233.026	224087	02/25/06	Lodi First v. City of Lodi	2,246.92	2,246.92	
11233.027	224087	02/25/06	Citizens for Open Govt.v.Col	181.05	181.05	
				<u>3,733.37</u>	<u>2,427.97</u>	<u>1,305.40</u>

APPROVED: _____

Blair King, City Manager

FISCAL IMPACT: Expenses in the amount of \$2,427.97 will be paid out of the General Fund and billed to Walmart for City's defense of the Lodi First and Citizens for Open Government litigation. The remaining expenses will be paid out of the Water Fund.

FUNDING AVAILABLE:	Water Fund	\$137,291.32
	General Fund	\$ 2,427.97

Approved:

Approved:

Ruby Paiste, Interim Finance Director

Stephen Schwabauer, City Attorney